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Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4812]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KAIDEN-KAZANJIAN STUDIOS, INC., ETC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as press or news affiliate:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as press or news affiliate:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business as press or news service organization.* In connection with offer, etc., in commerce, of photographs and miniatures, and among other things, as in order set forth, (1) using the terms "News Service" or any other terms of similar import or meaning in any trade name or in any other manner to designate or describe any organization or business which is not engaged in the gathering and disseminating of news for newspapers, magazines, or other periodicals; (2) representing in any manner, either directly or by implication, that the respondents are engaged in the service of gathering or disseminating news or of photographs to be used in conjunction therewith by any newspaper, magazine, or other periodical unless respondents' business consists in the rendering of such service; and (3) using the name of any newspaper, magazine, or other periodical upon letterheads or in any other manner without the consent and permission of such magazine, newspaper, or periodical; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kaiden-Kazanjan Studios, Inc., etc., et al., Docket 4812, March 5, 1943.]

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation.* In connection with offer, etc., in commerce, of photographs and miniatures, and among other things, as in order set forth, using the term "Goldtone" or any other term of similar import or meaning to designate or describe a photographic reproduction which is not a product resulting from a process involving the use of a toning bath employing salts of chloride of gold; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kaiden-Kazanjan Studios, Inc., etc., et al., Docket 4812, March 5, 1943.]

§ 3.6 (ee) *Advertising falsely or misleading—Terms and conditions:* § 3.72 (n 10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of photographs and miniatures, and among other things, as in order set forth, representing either directly or by implication that respondents have prepared or have placed on exhibit any photograph or miniature of any purchaser or prospective purchaser unless such photograph or miniature has in fact been produced and placed on exhibit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kaiden-Kazanjan Studios, Inc., etc., et al., Docket 4812, March 5, 1943.]

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.* In connection with offer, etc., in commerce, of photographs and miniatures, and among other things, as in order set forth, (1) representing as "special" or "reduced prices", prices which are in fact the regular and customary price charged by respondents for such products; and (2) representing that any photograph or miniature has a retail value or price in excess of the actual value or price at which such products are regularly and customarily offered for sale and sold in the normal and usual course of business; prohibited.

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(Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kaiden-Kazanjan Studios, Inc., etc., et al., Docket 4812, March 5, 1943].

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1943.

In the Matter of Kaiden-Kazanjan Studios, Inc., a Corporation, also Trading as Keystone News & Photo Service and Frances Kaiden, as President and Secretary of Kaiden-Kazanjan Studios, Inc., and also Trading Individually as Keystone News & Photo Service, and Aram Kazanjan, as Vice-President and Treasurer of Kaiden-Kazanjan Studios, Inc., and Trading Individually as Keystone News & Photo Service

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into upon the record between counsel for the Federal Trade Commission and counsel for the respondents, which provides among other things that the Commission may proceed upon said statement of facts to make its report stating its findings as to the facts (including inferences which it may draw from said stipulated facts) and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs, and which waives the filing of a report upon the evidence by the trial examiner; and the Commission having made its findings as to the facts and its

conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Kaiden-Kazanjan Studios, Inc., a corporation, its officers, representatives, agents, and employees, and respondents Frances Kaiden and Aram Kazanjan, individually and as officers of Kaiden-Kazanjan Studios, Inc., and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of photographs and miniatures in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "News Service" or any other terms of similar import or meaning in any trade name or in any other manner to designate or describe any organization or business which is not engaged in the gathering and disseminating of news for newspapers, magazines, or other periodicals.

2. Representing in any manner, either directly or by implication, that the respondents are engaged in the service of gathering or disseminating news or of photographs to be used in conjunction therewith by any newspaper, magazine, or other periodical unless respondents' business consists in the rendering of such service.

3. The use of the name of any newspaper, magazine, or other periodical upon letterheads or in any other manner without the consent and permission of such magazine, newspaper, or periodical.

4. The use of the term "Goldtone" or any other term of similar import or meaning to designate or describe a photographic reproduction which is not a product resulting from a process involving the use of a toning bath employing salts of chloride of gold.

5. Representing either directly or by implication that respondents have prepared or have placed on exhibit any photograph or miniature of any purchaser or prospective purchaser unless such photograph or miniature has in fact been produced and placed on exhibit.

6. Representing as "special" or "reduced prices," prices which are in fact the regular and customary price charged by respondents for such products.

7. Representing that any photograph or miniature has a retail value or price in excess of the actual value or price at which such products are regularly and customarily offered for sale and sold in the normal and usual course of business.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-3857; Filed, March 12, 1943; 10:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

[Administrative Order 181¹]LEARNER REGULATIONS AND
DETERMINATIONS

AMENDMENTS FOR VARIOUS INDUSTRIES

In the matter of amendments of Learner Regulations and Determinations applicable to the Hosiery Industry, Women's Apparel Industry, Single Pants, Shirts and Allied Garments Industry, Textile Industry, Knitted and Men's Woven Underwear and Commercial Knitting Industry, Knitted Outerwear Industry, Gloves and Mittens Industry, and the Sportswear and Other Odd Outerwear and the Belts Divisions of the Apparel Industry.

Whereas, written requests were received setting forth grounds for amendments of learner regulations and determinations applicable to the above industries to meet conditions of abnormal labor turnover in individual plants in these industries resulting from the war emergency, and it appeared to the Administrator that reasonable grounds exist for reconsidering the rates for learners established in the learner regulations and determinations applicable to these industries; and

Whereas, pursuant to notice (7 F.R. 8303) a public hearing was held on October 26 and 27, 1942, before Presiding Officer Merle D. Vincent, a duly authorized representative of the Administrator, who found that data were presented at the hearing which showed the need in the above industries for provision, within the regulations, for abnormal labor turnover which is occurring in certain localities, and for a change in the subminimum wage rate at which learners are to be employed, and recommended the following amendments of the learner regulations and determinations applicable to the aforementioned industries to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers: *Provided*, That it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issue of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issue of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

2. The subminimum wage rate which may be provided in special learner cer-

tificates shall be not less than 35 cents per hour.

3. The effective period for special learner certificates shall not exceed six months.

4. Authorization to employ a number or percentage of learners for labor turnover in excess of that provided in industry regulations may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency.

5. All outstanding certificates shall be amended by administrative order to change the subminimum wage rate for learners to 35 cents per hour.

Whereas, on January 27, 1943 I issued a notice (8 F.R. 1241) of opportunity to show cause on or before February 15, 1943 why the aforementioned recommendations of Presiding Officer Vincent should not be adopted; and

Whereas, I have examined all objections, statements and briefs filed on behalf of interested parties in response to said notice and, upon the basis of the entire record, find that the findings of Presiding Officer Vincent are supported by the evidence and that his recommendations should be adopted except for the six months limitation on the effective period of learner certificates, *Now, therefore, it is ordered, That:*

1. The regulations and determinations applicable to the employment of learners in the Hosiery Industry, Women's Apparel Industry, Single Pants, Shirts and Allied Garments Industry, Textile Industry, Knitted and Men's Woven Underwear and Commercial Knitting Industry, Knitted Outerwear Industry, Gloves and Mittens Industry, and the Sportswear and Other Odd Outerwear and the Belts Divisions of the Apparel Industry be and hereby are amended insofar as they are inconsistent with the following provisions, to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers provided that it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issue of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issue of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

2. The subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents per hour.

3. Authorization to employ a number or percentage of learners for labor turn-

over in excess of that provided in learner industry regulations, issued pursuant to section 522.4 of the regulations of the Administrator of the Wage and Hour Division and presently in effect, may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency.

II. These amendments shall be effective on and after March 22, 1943.

III. Certificates presently in effect in these industries shall be amended as of March 22, 1943 insofar as they are inconsistent with paragraph I (2) of this order.

Signed at New York, New York, this 10th day of March, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-3855; Filed, March 12, 1943;
9:32 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1805]

PART 324—MINIMUM PRICE SCHEDULE,
DISTRICT No. 4

ORDER GRANTING RELIEF, ETC.

Order amending order granting temporary relief and conditionally providing for final relief in the matter of petition of District Board No. 4 for the revision of the effective minimum prices for the coals of the Apex Mine, Mine Index No. 7, of the Haverhill Coal Company for shipment into Market Areas 20, 21 and 23 for use as off-line railroad fuel.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by District Board No. 4, requesting that the Note added to § 324.11 (*Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*), by the order issued in Docket No. A-1019 on March 16, 1942, (7 F.R. 2125), be modified by excluding from the operation of this Note, the coals of the Apex Mine, Mine Index No. 7, operated by Haverhill Coal Company, a code member located in Subdistrict 3 of District No. 4, when for shipment into Market Areas 20, 21 and 23, respectively, for use as off-line railroad fuel; and

Temporary and conditionally final relief having been granted in the above-entitled matter by an order issued therein on January 13, 1943 (8 F.R. 839), which amended said Note by adding a proviso thereto; and

It appearing that said proviso should be further amended;

Now, therefore, it is ordered, That said order issued in the above-entitled matter on January 13, 1943, be, and the same hereby is, amended by deleting therefrom the proviso contained in said order, which amended § 324.11 (*Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*), and inserting in lieu thereof the following matter:

¹ Modifies Part 522.

Provided, however, That such increase shall not be applicable to the coals of the Apex Mine, Mine Index No. 7 of the Haverhill Coal Company for movement into Market Areas 20, 21 and 23.

It is further ordered, That said order issued in the above-entitled matter on January 13, 1943, shall, in all other respects, remain in full force and effect.

Dated: March 11, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-3058; Filed, March 12, 1943;
11:03 a. m.]

[Docket No. A-1879]

PART 331—MINIMUM PRICE SCHEDULE,
DISTRICT No. 11

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of the Penant Mine for all shipments except truck.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Penant Mine, Mine Index No. 739, of the Penant Coal Company, in District No. 11, for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, and § 331.10 (Special prices: Railroad locomotive fuel) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: February 27, 1943.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 Alphabetical list of code members—Supplement R-I

Mine Index No.	Code member	Mine	Seam	Sub-district	Freight origin group	Price group	Shipping point	Railroad
739	Penant Coal Co. (Floyd M. Woods)---	Penant-----	VI	BC	32	1	Clinton...	C&EI.

Mine Index No. 739 shall be included in Price Group 1 and shall take the same f. o. b. mine prices as other mines in Price Group 1 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rate as have been established for Mine Index No. 124 and other mines in Freight Origin Group 32 of the Brazil Clinton Subdistrict having the same freight rate.

§ 331.10 Special prices: Railroad locomotive fuel—Supplement R-II

Mine Index No.	Code member	Mine	Seam	Sub-district	Freight origin group	Price group	Shipping point	Railroad
739	Penant Coal Co. (Floyd M. Woods)---	Penant-----	VI	BC	32	1	Clinton...	C&EI.

Mine Index No. 739 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11, For All Shipments Except Truck, as are shown for Mine Index Nos. 94 and 124.

[F. R. Doc. 43-3820; Filed, March 11, 1943; 11:09 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

CERTAIN EXCEPTIONS TO LICENSING

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (55 Stat. 863), the regulations under the Federal Explosives Act heretofore promulgated¹ are hereby amended as follows:

Section 301.2 (b) is amended by substituting for the words "except as designated in § 301.3 (c) (4)" after the word "Fireworks" the words "all kinds".

Section 301.3 is amended to read as follows:

§ 301.3 Application of act and regulations; exceptions. The act and regulations require the licensing of all persons and establishments for operations relating to explosives or ingredients, with the following exceptions:

(a) Persons and operations excepted—
(1) Military and naval services and the Federal Bureau of Investigation. No license is required for the manufacture, distribution, storage, sale, purchase, possession, handling or use of explosives or ingredients by the military or naval services of the United States or the Federal Bureau of Investigation.

(2) Operations for military and related purposes. No license is required for arsenals, navy yards, depots, or other establishments owned by the United States and operated by or on behalf of the War or Navy Departments. This exception includes all operations within such establishments and all purchases and shipments which are covered by government bills of lading addressed to or shipped by officers of the military or naval services at such establishments. A license is required for private operators of such establishments who purchase explosives or ingredients for shipment or who ship on other than government bills of lading. A license is also required for persons who manufacture explosives under the authority of the United States for, or sell explosives to, the military or naval services of the United States or the Federal Bureau of Investigation. However, no license applied for by such a private operator or other person shall be denied or revoked in so far as the license is needed for the operations of arsenals, navy yards, depots or other establishments owned by the United States and operated by or on behalf of the War or Navy Departments, or in so far as a license covers the manufacture under the authority of the United States of explosives for, or their sale to, the military or naval services or the Federal Bureau of Investigation. Applicants for licenses and licensees shall not be required to

¹ 7 F.R. 305, 1103, 1976, 3876, 4758, 5901, 8175, 9606; 8 F.R. 1343.

disclose information relating to the operations of the above-described establishments or to the character and quantity of explosives manufactured under the authority of, or sold to, the military or naval services or the Federal Bureau of Investigation, but shall comply with all other requirements of the act and regulations and shall be subject to the criminal penalties of the act for violations of the act or regulations.

(3) *Employees dealing with foreman.* Employees may purchase or accept explosives or ingredients for use in the operations of their employer from another employee of their employer licensed as a foreman, without themselves obtaining licenses.

(4) *Exportation and importation.* No license is required for exportation or importation of explosives or ingredients pursuant to or under the terms of the following acts: Act of January 31, 1922 (42 Stat. 361), prohibiting unrestricted export of arms to certain countries where domestic violence occurs; the Neutrality Act of November 4, 1939 (54 Stat. 4); the National Defense Act of July 2, 1940 (54 Stat. 712); and the Lend-Lease Act of March 11, 1941 (55 Stat. 31). However, persons who export or import explosives or ingredients under the above acts, other than the Lend-Lease Act, shall keep a record of such transactions, which shall include the quantity and description of the explosives and ingredients, the dates of shipment and delivery, the name of the vessel used, the name and address of the consignee, consignor, vendor, purchaser, carrier, and other interested parties. This record shall be retained by the exporter or importer until called for by the Director, or until one year after the termination of the present war; and shall be open for inspection at all times by the Director or his authorized representative.

(b) *Explosives and ingredients excepted—(1) Ingredients in small quantities.* Ingredients in small quantities and not used or intended to be used in the manufacture of explosives. The term "small quantities" as used in this section, means quantities of four ounces or less.

(2) *Explosives or ingredients in transit.* Explosives or ingredients which are in transit upon vessels, railroad cars, conveyances or aircraft when such transportation is regulated by acts of Congress or rules and regulations of the Interstate Commerce Commission, the Secretary of Commerce, or the Civil Aeronautics Board.

(3) *Cartridges and ships' signals.* Cartridges for small arms or shotguns and ships' signal for emergency equipment.

(4) *Signalling devices.* Flares, colored lights, fuses, and other devices customarily used by railroads and carriers, by airplane or motor vehicle, and torpedoes customarily used by railroads, for signalling purposes.

(c) *Compliance with other laws.* Nothing in these regulations will permit the manufacture, sale, possession, or use of any explosives or ingredients pro-

hibited by local or State laws or by any other Federal law, regulation, or order.

R. R. SAYERS,
Director.

Approved: March 9, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-3888; Filed, March 12, 1943;
11:50 a. m.]

Chapter VI—Selective Service System

[Order 90]

YPSILANTI STATE HOSPITAL PROJECT, MICH.

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Ypsilanti State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 90. Said project, located at Ypsilanti, Washtenaw County, Michigan, will be the base of operations for work at the Ypsilanti State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Ypsilanti State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Ypsilanti State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Ypsilanti State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

MARCH 4, 1943.

[F. R. Doc. 43-3848; Filed, March 11, 1943;
1:20 p. m.]

[Order 91]

MANSFIELD PROJECT, CONN.

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940

(54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Mansfield Project to be work of national importance, to be known as Civilian Public Service Camp No. 91. Said project, located at Mansfield, Tolland County, Connecticut, will be the base of operations for work at the Mansfield Training School, an institution under the State mental hospital system of Connecticut, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Mansfield Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Mansfield Training School, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Mansfield Training School. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

MARCH 4, 1943.

[F. R. Doc. 43-3849; Filed, March 11, 1943;
2:48 p. m.]

[Amendment 136, 2d Ed.]

PART 622—CLASSIFICATION

CERTAIN RELATIVES DEFINED

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 622.33 to read as follows:

§ 622.33 *Certain relatives defined.* (a) The term "child" includes:

(1) A legitimate child (also a legitimate unborn child from the date of its conception);

(2) A child legally adopted;

(3) A stepchild, if a member of a man's household, including a stepchild who continues as a member of the man's household after death of the mother or termination of the marriage; and

(4) An illegitimate child (also an illegitimate unborn child from the date of its conception), but only if the man has been judicially ordered or decreed to contribute to such child's support, has been

judicially decreed to be the putative father of such child, or has acknowledged pursuant to law that he is the father of such child;

but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

2. The foregoing amendment to the Selective Service regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 11, 1943.

[F. R. Doc. 43-3881; Filed, March 12, 1943;
11:28 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Expert Control.

[Amendment 25]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Correction

In the middle column of page 2966 of the issue of Thursday, March 11, 1943, the following should have appeared between "Striking tool handles-----" and "Veneer packages-----":

Trim and moldings----- 4228.00-----C

[Amendment 29]

PART 802—GENERAL LICENSES

GENERAL LICENSE COUNTRY GROUPS

Paragraph (a) of § 802.3 *General license country groups* is hereby amended in the following respect:

(1) Group C is amended by deleting therefrom the following countries:

Greenland-----	61
Labrador (that part under Newfoundland authority)-----	47
Newfoundland-----	47

(2) Group K is amended by adding thereto the following countries:

Greenland-----	61
Labrador (that part under Newfoundland authority)-----	47
Newfoundland-----	47

Shipments of commodities going to the above destinations which are on dock, on lighter, laden aboard the exporting carrier, or in transit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions.

This amendment becomes effective March 15, 1943.

(Sec. 6, 54 Stat. 714; Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 40, 8 F.R. 1938)

Dated: March 11, 1943.

A. N. ZIEGLER,
Acting Chief of Office,
Office of Exports.

[F. R. Doc. 43-3879; Filed, March 11, 1943;
11:25 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6690; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 992—LAUNDRY EQUIPMENT

[Limitation Order L-6-c, as Amended March 12, 1943]

In accordance with the provisions of § 992.1, *General Limitation Order L-6*, which the following order supplements, *It is hereby ordered, That:*

§ 992.4 *Supplementary General Limitation Order L-6-c.*

(a) *Prohibition of production of domestic laundry equipment.* (1) Effective April 16, 1942, no Class A or Class B manufacturer shall produce any domestic laundry equipment except upon specific authorization of the Director General for Operations. Effective May 16, 1942, no Class C or Class D manufacturer shall produce any domestic laundry equipment except upon specific authorization of the Director General for Operations.

(2) The Director General for Operations may from time to time specifically authorize one or more manufacturers of any class or combination of classes to produce specified quantities of domestic laundry equipment.

(b) *Restrictions until dates of prohibition of production.* (1) During the period beginning March 16, 1942, and ending April 15, 1942 inclusive:

(i) No Class A manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(a) 11,700 units of such equipment, or
(b) 90% of the monthly average of his factory sales of such equipment for the twelve months ending June 30, 1941.

(ii) No Class B manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(a) 5,625 units of such equipment, or
(b) 97½% of the monthly average of his factory sales of such equipment for the twelve months ending June 30, 1941.

(2) During the period beginning March 16, 1942 and ending May 15, 1942:

(i) No Class C manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(a) 3,420 units of such equipment, or
(b) Two times 112½% of the monthly average of factory sales of such equipment for the 12 months ending June 30, 1941.

(ii) No Class D manufacturer shall produce more than two times 142½% of the monthly average of his factory sales of such equipment for the twelve months ending June 30, 1941.

(c) *Replacement parts.* Nothing in this order shall be construed to prohibit

or limit the production of replacement parts for domestic laundry equipment.

(d) *Restrictions on inventory.* (1) Until otherwise ordered by the Director General for Operations no manufacturer shall sell, deliver, or otherwise transfer any part of the inventory of raw materials, semi-processed parts or finished parts which he holds for use in the production of domestic laundry equipment to any other person, or to any other department, division, or section of his concern not engaged in the production of domestic laundry equipment, except on the following conditions:

(i) Raw materials, semi-processed parts, and finished parts may be sold, delivered or otherwise transferred to other manufacturers of domestic laundry equipment for their use in the production of such equipment pursuant to the provisions of paragraph (b);

(ii) Raw materials, semi-processed parts, and finished parts may be sold, delivered or otherwise transferred in connection with the manufacture and sale of repair and maintenance parts for domestic laundry equipment;

(iii) Raw materials, semi processed parts, and finished parts may be sold, delivered, or otherwise transferred to any person (including any other department, division, or section of a manufacturer's concern not engaged in the production of domestic laundry equipment) who is able to supply a preference rating of A-9 or higher;

(iv) Raw materials, semi-processed parts, and finished parts may be sold, delivered, or otherwise transferred to the Defense Supplies Corporation or other corporation, affiliate, or other form of enterprise under the control of the Reconstruction Finance Corporation:

Provided however, That nothing in this paragraph (d) shall be construed to permit any manufacturer to sell, deliver, or otherwise transfer, or any person to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished parts in contravention of the terms of any L or M order including amendments or supplements thereto, or other regulation of the War Production Board, now effective or effective prior to the date of any such sale, delivery, or other transfer.

(2) Each manufacturer shall file with the War Production Board on or before April 1, 1942, an estimate of the inventory of raw materials, by classes of materials, semi-processed parts, and finished parts, which will remain in his hands pursuant to this paragraph after he has completed his production of domestic laundry equipment pursuant to paragraph (b).

(e) *No interference with ordnance production.* No manufacturer shall divert materials, labor, or equipment from the production of war material to enable him to produce his production quota under paragraph (b) hereof.

(f) *Prohibition of acquisition of materials.* No manufacturer of domestic laundry equipment shall purchase, receive delivery of, or otherwise acquire any

raw materials, semi-processed parts, or finished parts intended for the production of domestic laundry equipment in excess of quantities required to fulfill the production quotas specified in paragraph (b) hereof; no person shall sell, deliver, or otherwise transfer any such raw materials, semi-processed parts, or finished parts except as so permitted: *Provided however*, That deliveries of raw materials, semi-processed parts, or finished parts actually in transit to the manufacturer on the date of issue of this order may be delivered to the manufacturer.

(g) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such order is entered into before or after March 14, 1942. No person shall be held liable for damages or penalties for any default under any contract or order, which shall result directly or indirectly from his compliance with the terms of this order.

(h) *Appeal.* Any manufacturer who considers that compliance with this order would work an exceptional or unreasonable hardship upon him, or would disrupt or impair a program of conversion to war production may appeal for relief to the Director General for Operations by means of a letter addressed to the Director General for Operations, Ref.: L-6-c, setting forth in such letter all facts pertinent to the appeal. The Director General for Operations may thereupon take such action as he deems appropriate.

Issued this 12th day of March 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-3864; Filed, March 12, 1943; 10:57 a. m.]

PART 1103—COAL AND COKE

[General Preference Order M-292]

COKE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of coke for defense, for private account and for export, and it is necessary in the public interest and to promote the national defense to conserve the supply and direct the distribution of coke.

§ 1103.11 *General Preference Order M-292—(a) Definitions.* For the purposes of this order, "coke" means coke made from bituminous coal.

(b) *Special instructions.* The Director General for Operations may from time to time issue specific directions as to the source, destination, amount, type, or grade of coke to be delivered by any producer or dealer.

(c) *Reports.* Each producer shall file monthly reports with the United States Bureau of Mines on Form BE or BY of the Bureau.

(d) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction

may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals.* Any person deeming himself adversely affected by any provision or application of this order may file an appeal in writing addressed to War Production Board, Washington, D. C. Reference: M-292. Such appeal must set forth in full the relief requested and the grounds on which such appeal is based.

(f) *Applicability of regulations.* Except as hereinabove otherwise provided, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

Issued this 12th day of March 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-3878; Filed, March 12, 1943; 10:58 a. m.]

PART 1112—OFFICE MACHINERY

[Conversion Order L-54-a, as Amended March 12, 1943]

TYPEWRITERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of typewriters for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1112.2 *Conversion Order L-54-a—(a) Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person manufacturing typewriters, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said manufacturer.

(3) "Dealer" means any wholesaler, retailer or other distributor of typewriters, other than sales and distribution outlets controlled by a manufacturer.

(4) "Typewriter" unless expressly otherwise stated, means non-portable typewriters (including noiseless and electric types) and portable typewriters, and unless expressly otherwise stated, refers only to new typewriters. The term shall not include: billing machines, accounting principle, and collateral equipment; continuous forms handling machines, typewriter principle, having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; telegraphically controlled typewriters; braille typewriters; toy typewriters; linotype machines or monotype machines. The term "new typewriter" means any typewriter which

has not been delivered to any person acquiring it for use, but does not include rebuilt typewriters. The term "used typewriter" means any typewriter which at any time has been delivered to any person acquiring it for use, and includes rebuilt typewriters.

(5) "Sets of parts" means typewriter parts fabricated at plants in the United States and shipped to foreign countries for assembly into typewriters.

(b) *General restrictions.* (1) On and after November 1, 1942, no manufacturer shall manufacture any non-portable typewriters or parts therefor, or sets of parts for non-portable typewriters, except as otherwise specifically provided in paragraph (c) (4) herein.

(2) On and after August 1, 1942, no manufacturer shall manufacture any portable typewriters, or parts therefor, or sets of parts for portable typewriters.

(3) No person shall hereafter sell, deliver, purchase, or receive delivery of any new or used typewriters in any manner other than as specifically authorized herein or from time to time hereafter by the Director General for Operations, or by any governmental agency authorized by the Chairman of the War Production Board to regulate the distribution of new or used typewriters.

(4) Notwithstanding any of the restrictions of paragraph (b) of this order, the Director General for Operations may from time to time specifically authorize one or more manufacturers to manufacture specified quantities of typewriters, including parts or sets of parts therefor.

(c) *Authorized production quotas—*

(1) *Non-portable typewriters.* During the period from July 1, 1942, to October 31, 1942, except as otherwise provided in paragraph (c) (4) below, no manufacturer shall manufacture a number of non-portable typewriters or parts therefor (not including sets of parts for export) in excess of: 12.25 percent of the aggregate number of non-portable typewriters (not including parts therefor or sets of parts for export) billed to customers by such manufacturer during the calendar year 1941; plus the number of non-portable typewriters by which such manufacturer's quota for non-portable typewriters in the period from March 15, 1942, to June 30, 1942, exceeded the production of non-portable typewriters by such manufacturer during that period; or less the number of non-portable typewriters produced by such manufacturer in the period from March 15, 1942 to June 30, 1942, in excess of his authorized quota during that period, whether or not such excess production resulted from the granting of appeals by the War Production Board.

(2) *Portable typewriters.* During the period from July 1, 1942, to July 31, 1942, no manufacturer shall manufacture quantities of portable typewriters or parts therefor (not including sets of parts for export) in excess of 11 percent of the average monthly number of portable typewriters (not including parts therefor or sets of parts for export) billed

to customers by such manufacturer during the calendar year 1941.

(3) *Sets of parts for export.* (i) During the period from July 1, 1942, to October 31, 1942, no manufacturer shall manufacture for export a number of sets of parts for non-portable typewriters in excess of 12.25 percent of the aggregate number of such sets of parts shipped for export from the factories of such manufacturer during the calendar year 1941.

(ii) During the period from July 1, 1942, to July 31, 1942, no manufacturer shall manufacture for export a number of sets of parts for portable typewriters in excess of 11 percent of the average monthly number of such sets of parts shipped for export from his factories during the calendar year 1941.

(iii) The right to produce and export any sets of parts mentioned in this paragraph (c) (3) shall not be construed to authorize the export of such sets unless export license can be secured.

Any manufacturer who is unable to ascertain the physical quantity of sets of parts which he shipped from his factories during 1941 may produce for export: in the case of sets of parts for non-portable typewriters, a dollar value not in excess of 12.25 percent of the aggregate dollar value of such sets shipped for export from his factories during the calendar year 1941; and in the case of sets of parts for portable typewriters, a dollar value not in excess of 11 percent of the average monthly dollar value of such sets so shipped during 1941.

The quantities of sets of parts for non-portable and portable typewriters so produced shall be over and above the production quotas for non-portable and portable typewriters. No manufacturer so producing and exporting sets of parts shall directly or indirectly import any typewriter into the United States.

(4) *Special quota.* Notwithstanding the restrictions on manufacture (but subject to the restrictions on delivery and distribution) imposed by this order, Woodstock Typewriter Company may manufacture, in the period from July 1, 1942, to June 30, 1944, not in excess of 22,701 non-portable typewriters, at a rate not in excess of 1,600 per month, or at such other rate as the Director General for Operations may prescribe from time to time. The Director General for Operations, may also direct, from time to time, the sizes, kinds, and types of non-portable typewriters which shall be produced by Woodstock Typewriter Company.

(5) *Distribution among models and types.* Except as otherwise provided by the Director General for Operations, no manufacturer shall produce a percentage of noiseless typewriters to total non-portable typewriter production in excess of the percentage which the quantity of noiseless typewriters billed to his customers in 1941 is of all non-portable typewriters billed to his customers in 1941. Manufacturers shall produce their production quotas of portable typewriters in accordance with specifications of the Army or Navy of the United States.

(d) *Manufacture and distribution of replacement parts.* The restrictions upon the production of portable and non-

portable typewriters and parts therefor shall not be construed to limit the production of parts to be used to service and repair typewriters: *Provided, however,* That no manufacturer shall produce parts in excess of quantities required, under existing circumstances, to maintain a minimum practicable working inventory of such service and repair parts. No person servicing or repairing typewriters shall maintain a stock of such parts in excess of the minimum practicable working inventory, under existing circumstances.

(e) *Revocation of General Limitation Order L-54.* General Limitation Order L-54, and all amendments thereto and interpretations thereof, are revoked as of August 4, 1942: *Provided, however,* That all deliveries expressly authorized thereunder by the Director of Industry Operations may be completed.

(f) *Distribution of typewriters by manufacturers.* Regardless of the terms of any contract of sale or purchase or other commitment, or any preference rating certificate or blanket preference order, no manufacturer shall distribute his production and stock of typewriters except upon authorization of the Director General for Operations.

(g) *Distribution of typewriters by persons other than manufacturers.* In accordance with the terms of Supplementary Directive 1D, stocks of new nonportable and portable typewriters now in the hands of dealers, and all imports of new typewriters, are made available to the Office of Price Administration for rationing; and no dealer shall deliver any such typewriters except in accordance with such rules, regulations and authorizations as may be issued by the Office of Price Administration: *Provided, however,* That any dealer, other than a manufacturer, may deliver new typewriters in stock to any manufacturer willing to accept the same. Such typewriters shall, however, remain subject to rationing rules, regulations and authorizations of the Office of Price Administration.

(h) *Persons entitled to receive new typewriters—(1) Persons other than United States agencies and exporters.* In accordance with the terms of Supplementary Directive 1D, persons other than agencies of the United States and other than persons acquiring new typewriters for export may purchase, accept, or otherwise receive delivery of new typewriters only as authorized by the Office of Price Administration.

(2) *Army and Navy.* Typewriters shall be delivered to the Army or Navy of the United States, including the War and Navy Departments, only upon authorization of the Director General for Operations.

(3) *Exporters—(i) Lend-lease.* No agency of the United States Government shall purchase, accept delivery of, or otherwise acquire, new typewriters to be delivered to or for the account of the government of any country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), except upon express authorization of the Director

General for Operations. Manufacturers and dealers shall deliver new typewriters to any such agency upon the presentation of an authorization signed by the Director General for Operations. Any dealer may receive any new typewriter to fill any such order from any manufacturer producing such typewriters, and manufacturers shall deliver typewriters to such dealers upon the presentation of any such authorization.

(ii) *Other than lend-lease.* No governmental agency (other than as provided in paragraph (h) (3) (i) above) or other person shall purchase, accept delivery of, or otherwise receive new typewriters for export except upon express authorization of the Director General for Operations. Any such agency or person must first apply to the Office of Export Control, Board of Economic Warfare, Washington, D. C., for an Export License. If the Office of Export Control recommends that an Export License be issued to the applicant, the War Production Board will be notified, and an authorization, on Form PD-365, to acquire a new typewriter may be issued to the applicant or to a person designated by the Board of Economic Warfare for his account. Upon presentation of said Form PD-365, duly signed, any manufacturer or dealer is authorized to deliver a new typewriter. Any dealer may receive any typewriter to fill any such order from any manufacturer producing such typewriters and manufacturers shall deliver typewriters to dealers upon receipt of any such authorization on Form PD-365.

(4) *Other Government agencies.* Except as otherwise provided in subparagraphs (2) and (3) above, no agency of the United States, except the Procurement Division of the Treasury Department, may purchase new typewriters. Once each month the Director General for Operations shall expressly authorize said Procurement Division to acquire specific quantities and brands of new typewriters, and said Procurement Division shall distribute such new typewriters to such agencies of the United States Government (other than the Army, the Navy, and agencies acquiring new typewriters for export) and in such quantities, and brands, as the Director General for Operations shall authorize. Any such agency which believes it will require such new typewriters during any month shall file, on or before the 25th day of the month preceding, Form PD-366 with the Procurement Division of the Treasury Department, which shall forward all such forms to the Director General for Operations. The Director General for Operations shall thereupon authorize said Procurement Division to acquire and distribute such quantities of new typewriters as, in his opinion, shall be necessary or appropriate in the public interest and to promote the national defense. No such agency shall request a new typewriter unless, to the best of its knowledge, such typewriter and all other typewriters possessed by the agency will be actually employed during the succeeding month.

(k) *Appeals.* Any manufacturer affected by this order, who considers that

compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter directed to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Records.* All manufacturers and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of typewriters.

(m) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

(n) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Service Equipment Division, Washington, D. C. Ref.: L-54-a.

Issued this 12th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-3865; Filed, March 12, 1943;
10:57 a. m.]

PART 1112—OFFICE MACHINERY

[General Limitation Order L-54-c, as
Amended March 12, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials used in the production of office machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1112.4 *General Limitation Order L-54-c—(a) Definitions.* For the purposes of this order:

(1) "Office machinery" means machinery, including attachments thereto, of the types listed on Lists A, B, C, or D attached to this order as amended from time to time.

(2) "New" office machinery means office machinery which has not been delivered to any person acquiring it for use. The term shall not describe any machine which has been delivered for trial, loan, rental or demonstration at any time prior to March 14, 1942. "Used" office machinery means office machinery other than new office machinery.

(3) "Restricted office machinery" means:

(i) Any new office machinery listed on Lists A, B, and C.

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(ii) Any new machines and collateral equipment intended for use for dictating purposes.

(iii) Any used office machinery listed on Lists A, B, and C which on November 11, 1942 is in, or which thereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, and the manufacture of which was completed after December 31, 1940, and

(iv) Any used punched card tabulating machinery which on November 11, 1942 is in, or which thereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, regardless of its age.

(4) "Manufacturer" means any person manufacturing new office machinery or sets of parts, to the extent that he is engaged in such manufacture, and shall include majority-owned sales, distribution, and manufacturing subsidiaries.

(5) "Dealer" means any wholesaler, retailer or other distributor of restricted office machinery other than a sales or distribution subsidiary of a manufacturer, and shall include any person, firm or corporation normally receiving restricted office machinery on consignment.

(6) "Delivery" includes any physical transfer of restricted office machinery, and includes transfers for trial, loan, rental, demonstration or other use; but the terms shall not include the transfer to the consignee, designated on the shipping documents, of any new restricted office machinery actually in transit on June 1, 1942, or of any other restricted office machinery actually in transit on November 11, 1942.

(7) "Army or Navy of the United States" and "Maritime Commission" include the War Department, the Navy Department, and the Maritime Commission, respectively, but shall not include any privately operated plant, shipyard, training school, or other enterprise controlled or financed by the Army or Navy of the United States, the Maritime Commission, or any other agency of the United States Government, nor any plant or shipyard privately operated on a cost-plus-fixed-fee basis under the control or direction of the Army or Navy of the United States, the Maritime Commission, or any other agency of the United States Government.

(8) "Lend-Lease purchaser" means any person requesting authorization to receive delivery of restricted office machinery for export to any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(9) "Sets of parts" means parts for office machinery produced at plants in the United States for shipment to foreign countries for assembly into new office machinery of the types listed on Lists A, B, and C.

(b) *Restrictions on production—(1) List A and List B quotas.* No manufacturer of any kind of new office machinery

listed on List A or List B or of sets of parts for such kinds of machinery shall manufacture any such machinery or sets of parts in excess of the sum of the quotas established by paragraphs (b) (1) (i) and (b) (1) (ii) of this order.

(i) *1942 quotas.* Between June 1, 1942, and December 31, 1942, inclusive, a manufacturer of new office machinery of any kind listed on List A or List B, or of sets of parts for such kind of machinery, may manufacture a total dollar value of new office machinery of such kind (including sets of parts, but excluding special machines to be delivered under paragraph (c) (3) of this order and machines to be delivered free of restrictions pursuant to an election under paragraph (e) (1) (iv) of the original order L-54-c) equal to seven (7) times the percentage specified in Column I of List A or List B of the average monthly dollar value during the calendar year 1941 of the new office machinery of such kind billed to customers by such manufacturer plus the new office machinery of such kind exported in the form of sets of parts.

(ii) *1943 quotas.* Between January 1, 1943 and December 31, 1943, inclusive, a manufacturer of new office machinery of any kind listed on List A or List B, or of sets of parts for such kind of machinery, may manufacture a total dollar value of new office machinery of such kind (including sets of parts, but excluding special machines to be delivered under paragraph (c) (3) of this order and machines to be delivered free of restrictions pursuant to an election under paragraph (e) (1) (iv) of the original order L-54-c) equal to the percentage specified in Column II of List A or List B of the total dollar value of the new office machinery of such kind billed to customers by such manufacturer during the calendar year 1941 plus the new office machinery of such kind exported in the form of sets of parts during the calendar year 1941.

(iii) *Basis of leased machinery.* Any manufacturer whose customary practice has been to lease substantially all of any particular kind of new office machinery shall base his production quota of such kind of new office machinery upon the aggregate of the average monthly number of new units assembled and sets of parts exported during the calendar year 1941. The number of sets of parts exported in 1941 shall be considered as equal to the number of units into which such sets of parts were ultimately assembled.

(iv) *Valuation of production.* The dollar value of assembled new office machinery billed during the calendar year 1941 by the manufacturer to either domestic or foreign customers, and the dollar value of assembled new office machinery manufactured after June 1, 1942, shall be based upon the retail list price of such machinery to domestic customers. The dollar value of sets of parts shall be based upon the retail list price of the same kind of machinery, when assembled, to domestic customers. The number of sets of parts exported shall be considered as equal to the number of

units into which such sets of parts were ultimately assembled.

(2) *Further restrictions on List A production.* (i) No manufacturer shall commence fabrication, or cause fabrication to be commenced, of any material for parts, or contract to purchase parts, for the assembly of any new office machinery listed on List A other than the machinery which he is allowed to produce under the terms of this order.

(ii) After December 31, 1942, no manufacturer shall fabricate, cause to be fabricated, or contract to purchase, parts for the assembly of new office machinery listed on List A.

(iii) After December 31, 1943, no manufacturer shall assemble any of the kinds of new office machinery listed on List A.

(3) *Further restrictions on List B production.* (i) No manufacturer shall commence fabrication, or cause fabrication to be commenced, of any material for parts, or contract to purchase parts, for the assembly of any new office machinery listed on List B other than the machinery which he is allowed to produce under the terms of this order.

(ii) After December 31, 1942, no manufacturer shall fabricate, cause to be fabricated, or contract to purchase, more than 25% of the parts required for the assembly of the new office machinery listed on List B (except calculating and computing machines) which he is permitted to manufacture during the entire period from June 1, 1942, to December 31, 1943.

(iii) After March 31, 1943, no manufacturer shall fabricate, cause to be fabricated or contract to purchase, parts for the assembly of new calculating or computing machines.

(4) *Restrictions on List C production.* (i) No manufacturer shall manufacture any new office machinery listed on List C or sets of parts therefor, except machines to fill orders approved under paragraphs (c) (2) through (c) (5) inclusive of this order, to fill orders of the Army or Navy of the United States or of the Maritime Commission which were actually on hand on November 11, 1942, and to maintain the minimum practicable working inventory under the circumstances.

(ii) No manufacturer shall commence fabrication, or cause fabrication to be commenced, of any material for parts, or contract to purchase parts, for the assembly of any new office machinery listed on List C other than the machinery which he is allowed to produce under the terms of this order.

(5) *Restrictions on List D production.* No manufacturer shall fabricate, cause to be fabricated, or contract to purchase, parts for the assembly of any new office machinery listed on List D. No manufacturer shall assemble any new office machinery listed on List D.

(6) *Repair and service parts.* The restrictions upon the manufacture of new office machinery contained in this paragraph (b) shall not apply to the manufacture of parts to be used to serv-

ice or repair any kind of office machinery listed on Lists A, B, C, and D.

(7) *Discontinued new office machinery.* No manufacturer shall fabricate parts for any new office machinery or assemble any new office machinery of any kind which he elected to deliver free of all restrictions pursuant to paragraph (e) (1) (iv) of the original order L-54-c.

(8) *Special authorizations.* Notwithstanding the restrictions of paragraph (b) or paragraph (f) of this order, the Director General for Operations may from time to time specifically authorize one or more manufacturers to fabricate, to cause to be fabricated, to contract to purchase, to assemble, or to manufacture in any manner, specified quantities of parts or machinery restricted by paragraph (b) or paragraph (f), or both.

(c) *Restrictions on delivery—(1) General restrictions.* Regardless of the terms of any contract of sale or purchase, or other commitment, or of any preference rating, or any blanket preference rating order, no manufacturer or dealer shall deliver any restricted office machinery except as provided in paragraphs (c) (2) to (c) (7) inclusive of this order other than machines which may be delivered free of restrictions pursuant to an election under paragraph (e) (1) (iv) of the original order L-54-c.

(2) *Back orders.* A manufacturer or dealer may deliver restricted office machinery to fill orders of the Army or Navy of the United States which were actually on hand on June 1, 1942.

(3) *Special orders.* Manufacturers or dealers may apply for authorization to deliver special restricted office machinery which, on June 1, 1942, was assembled, or in the process of fabrication and assembly, but which could not otherwise be delivered under the terms of this order. Such application may be made by filing with the War Production Board, in triplicate, plainly marked "Ref: L-54-c", a letter containing a list of all such orders, together with such information as will support the representation of the manufacturer or dealer that the machinery is special. As used in this paragraph, a "special" machine is a machine built to special specification for a customer, with features which render it unusable except by a small class of persons similarly situated.

(4) *Future orders of the Army, Navy and Maritime Commission.* From time to time, the Director General for Operations will notify manufacturers and dealers, on Form PD-423, of quantities of restricted office machinery which may be delivered without further authorization for the use of the Army or Navy of the United States, or the Maritime Commission, in preference to any other deliveries except when specifically instructed otherwise by the Director General for Operations. Manufacturers and dealers may not deliver restricted office machinery on preference rating certificates PD-3 and PD-3a, except to fill back orders of the Army or Navy of the

United States pursuant to paragraph (c) (2) of this order.

(5) *Future orders of other persons.* (i) Except as provided in paragraphs (c) (2), (c) (3), (c) (4), and (c) (7) of this order, no manufacturer or dealer shall deliver any restricted office machinery to fill any order unless the order is accompanied by a preference rating certificate PD-1A issued after May 31, 1942 and prior to December 1, 1942, or by an authorization to deliver the machinery on a Form PD-688 signed by the Director General for Operations, surrendered to the manufacturer or dealer. Such preference rating certificate PD-1A, or Form PD-688, may be used to secure restricted office machinery only by the person to whom it was directly issued and only when such office machinery is expressly specified on the certificate.

(ii) Persons entitled to restricted office machinery by virtue of a preference rating certificate PD-1A who do not surrender such certificate, but retain the same, as permitted by Priorities Regulation No. 3, as amended from time to time, shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3, certify to the manufacturer or dealer from whom the machinery is to be acquired that the certificate was originally issued to such person and that the machinery was expressly specified on the certificate.

(iii) Except when specifically instructed otherwise by the Director General for Operations, the sequence of deliveries of machines authorized on PD-688 certificates shall be determined by the delivery dates specified in the respective certificates. In any case where delivery dates are the same, or it is impossible to make all deliveries on schedule, the sequence of deliveries shall be determined by the respective dates on which the PD-688 certificates were received by the supplier named in such certificates.

(6) *Intracompany deliveries.* Without further authorization, a manufacturer may for the purpose of redelivery, but not for use, deliver restricted office machinery from one branch, division or section of his enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, to another branch, division or section of the same enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, except that he may not deliver to a subsidiary, branch, or other outlet located outside of the United States, its territories, and possessions.

(7) *Delivery to dealers and returns to manufacturers.* Without further authorization, dealers may return restricted office machinery to any manufacturer willing to accept the same and manufacturers may accept all such restricted office machinery from dealers. Without further authorization, manufacturers or dealers may deliver restricted office machinery to dealers in the following instances only:

(i) To fill an order, authorized by the terms of the original order L-54-c or this order L-54-c as amended, already re-

ceived by such dealer, or to replace restricted office machinery delivered by such a dealer from his inventory to fill an order authorized by the terms of the original order L-54-c or this order L-54-c as amended. In either case, such dealer shall furnish to the manufacturer or to the other dealer a photostat or certified copy of the PD-1A, PD-688, or other authorized basis for delivery of restricted office machinery. Reproduction of any PD-1A, PD-688, or any other document for such purpose is hereby permitted.

(ii) To store or display such restricted office machinery on the dealer's premises in the United States, its territories and possessions, provided that the restricted office machinery so stored or displayed is in the absolute control and ownership of the manufacturer or delivering dealer and may be removed, transferred or shipped by such manufacturer or delivering dealer at any time in his discretion.

(8) *Deliveries under General Conservation Order L-148.* The issuance of an authorization on Form PD-423 or on Form PD-688 to deliver a time stamp machine, a time recording machine, or collateral equipment shall constitute a preference rating of A-1-a or higher within the meaning of § 1095.4, General Conservation Order L-148, for the particular items authorized to be delivered.

(9) *Special authorizations.* Notwithstanding the restrictions of paragraph (c) of this order, the Director General for Operations may from time to time specifically authorize one or more manufacturers or dealers, or both, to deliver specified quantities of restricted office machinery.

(d) *Special procedures and information.* (1) Private contractors engaged in construction work for the Army, Navy, Maritime Commission or Defense Plant Corporation and private operators of any plant, shipyard, training school or other enterprise controlled or financed, on a cost-plus-fixed-fee basis or otherwise, by the Army or Navy of the United States, the Maritime Commission or any other agency of the United States Government shall, when requesting restricted office machinery on Form PD-688, furnish a certification by the Government inspector assigned to the project (1) that no Government equipment is available for use in lieu of the equipment requested, (2) that the contractor or operator has no equipment available from any other source for use in lieu of the equipment requested, and (3) that the equipment requested is to be used exclusively by the contractor's or operator's private personnel for the duration of the project on work which the contractor is required to perform under the terms of his contract.

(2) Lend-Lease purchasers shall accompany their applications on Form PD-688 with a formal recommendation by the Lend-Lease Administration that such request be granted.

(3) Any person, other than the Army or Navy of the United States, the Maritime Commission, or any Lend-Lease purchaser, desiring to acquire restricted office machinery for export from the

United States, except to Canada, must first apply to the Office of Export Control, Board of Economic Warfare, Washington, D. C., for an Export License, accompanying such application with an application on Form PD-688 for permission to receive delivery. If the Office of Export Control decides that an Export License should be issued to the applicant, a statement of such decision, together with the application on Form PD-688 and a formal recommendation that the application be granted, is to be forwarded to the War Production Board.

(e) *Sets of parts.* No person shall deliver any sets of parts for export from the United States unless the Director General for Operations has authorized such delivery on Form PD-423. Any person desiring to deliver sets of parts for export shall apply by letter to the War Production Board, enclosing with his application a Form PD-423 duly prepared for authorization. He shall state in his application the number of units of machinery which may be assembled from such sets of parts, the model numbers of such machines, and the equivalent retail price of similar completed machines when sold in the United States. The authorization to produce sets of parts given by paragraph (b) of this order and the authorization to deliver sets of parts for export given by the Director General for Operations on Form PD-423 shall not be construed to authorize the exportation of such sets of parts unless an export license can be secured. No manufacturer so producing and delivering sets of parts for export shall directly or indirectly import any new office machinery of the kinds listed on List A, List B, or List C into the United States.

(f) *Restrictions on types, styles, models, specifications, and use of materials—*

(1) *Elimination of models.* The Director General for Operations may, from time to time, order the cessation of production or delivery of any model, style, or type of office machinery, including attachments or repair parts thereof.

(2) *Issuance of schedules.* The Director General for Operations may, from time to time, issue schedules establishing simplified practices with respect to the types, sizes, forms, materials, or specifications of office machinery. After the effective date of any such schedule, no office machinery shall be fabricated or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

(3) *Elimination of motor driven machines.* (i) On and after November 1, 1942, no manufacturer of new duplicating machines of the spirit, gelatin, or stencil types shall incorporate electric motors in more than 20 percent of the aggregate number of duplicating machines of those kinds that he is permitted to produce under his quotas. The incorporation of electric motors in other types of duplicating machines by their manufacturers shall be discontinued except for those styles of machines where motors are essential to their operation.

(ii) No manufacturer of adding machines shall incorporate any electric motor in a new adding machine except a machine for the assembly of which all

the necessary parts, including motors not useful for any other purpose, were available or in process on September 8, 1942.

(g) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Records.* All manufacturers and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales of restricted office machinery, and shall, upon request, make such records available for audit and inspection by duly authorized representatives of the War Production Board.

(j) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(k) *Violations.* Any person who willfully violates any provision of this order, or who willfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control and may be deprived of priorities assistance by the Director General for Operations.

(l) *Communications to War Production Board.* All reports required to be filed hereunder, all communications concerning this order, and all applications shall, unless otherwise directed, be addressed to: War Production Board, Services Division, Washington, D. C.; Ref: L-54-c.

Issued this 12th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

LIST A

	I	II
1. Adding machines.....	55%	12%
2. Microfilm machines designed for office functions.....	50%	10%
3. Shorthand writing machines.....	70%	10%
4. Time stamp machines and collateral equipment.....	100%	42%

LIST B

1. Accounting machines, book-keeping machines, and billing machines (accounting principle). Also continuous forms handling machines typewriter principle, having carbon paper handling devices constructed as an integral part of the machine, and collateral equipment, except autographic registers.....	91%	30%
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LIST B—Continued

	I	II
2. Addressing machines, including but not limited to embossing machines for plates, and stencil-cutting machines embodying typewriter principle	88%	42%
3. Calculating and computing machines	91%	23%
4. Duplicating machines, including but not limited to ink ribbon, gelatin, spirit, stencil and reproducing typewriter principle machines and multilith and Davidson duplicators	100%	48%
5. Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression)	100%	100%
6. Punched card tabulating and accounting machines and collateral equipment	100%	25%
7. Time recording machines and collateral equipment, except watchmen's clocks	100%	64%

LIST C

- Dictating types of machines embodying amplifiers and other facilities for recording telephone conversations, conferences, and wireless messages, with near and far voice control.
- Payroll denominating machines.

LIST D

- Autographic registers.
- Cash (registering) machines.
- Change making machines.
- Check cancelling machines.
- Check cutting machines.
- Check dating machines.
- Check endorsing machines.
- Check numbering machines.
- Check perforating machines.
- Check protecting machines.
- Check signing machines.
- Check sorting machines.
- Check writing machines.
- Coin counting machines.
- Coin sorting machines.
- Coin wrapping machines.
- Machines and collateral equipment intended for use for dictating purposes.
- Envelope contents folding machines.
- Envelope handling machines.
- Envelope mailing machines.
- Envelope opening machines.
- Envelope sealing machines.
- Envelope stuffing machines.
- Mail room folding machines.
- Postal permit mailing machines.
- Stamp affixing machines.

[F. R. Doc. 43-3866; Filed, March 12, 1943; 10:57 a. m.]

PART 1158—INDUSTRIAL MACHINERY

[Limitation Order L-83 as Amended March 12, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of industrial machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1158.1 *General Limitation Order L-83—(a) Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust,

corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Critical industrial machinery" means new, used or reconditioned machinery, of the kinds listed, from time to time, in List A. The value of a critical industrial machine shall be the selling price, or in any case where the machine is rented, the cost of production (as indicated by the company's regularly established cost accounting system), excise tax value, or insurance value, whichever is higher. The term "new critical industrial machinery" means any critical industrial machinery which has not been delivered to any person acquiring it for use, and does not include used or reconditioned machinery. The term "used critical industrial machinery" means any critical industrial machinery which at any time has been delivered to any person acquiring it for use, but does not include rebuilt machinery. The term "reconditioned critical industrial machinery" means used machinery which has been rebuilt or otherwise conditioned for resale, or reuse.

(3) "Manufacturer" means any person producing critical industrial machinery.

(4) "Distributor" means any person regularly engaged in the business of buying or otherwise acquiring new, used, or reconditioned machinery for resale.

(5) "Order" means any commitment or other arrangement for the delivery of critical industrial machinery, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for critical industrial machinery, when accompanied by a PD-3A certificate, to be delivered to, or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(b) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

(ii) Any order placed by any agency of the United States Government for critical industrial machinery to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the western hemisphere, pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Any order for critical industrial machinery bearing a preference rating of A-9 or higher assigned by a Preference Rating Certificate PD-3 or PD-3A countersigned prior to May 18, 1942, by a Preference Rating Order in the P-19 series issued prior to May 18, 1942, or by a Preference Rating Certificate PD-1 or PD-1A, a Preference Rating Certificate in the PD-25 or PD-408 Series, or Preference Rating Order P-19-h (PD-200 or 200A) issued at any time. After May 18, 1942, Preference Rating Certificate

PD-3A shall be used only to assign preference ratings to approved orders to be delivered to or for the account of the agencies set forth in subdivision (i) hereof. Any preference rating certificate or order of any of the kinds enumerated above may be used to secure critical industrial machinery only by the person to whom it was originally issued and only when such machinery is expressly specified on the certificate or order (or its Form PD-200 or 200A). Any person placing an approved order for critical industrial machinery bearing a rating assigned by any such certificate or order who does not deliver such certificate or order but retains the same, as permitted by Priorities Regulation No. 3, as amended from time to time, or by the terms of the preference rating order shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3, as amended from time to time, or such preference rating order certify to the person from whom the machinery is to be acquired that the certificate or order was originally issued to him and that the critical industrial machinery ordered was expressly specified on the certificate or order (or its Form PD-200 or 200A).

(iv) Any order which the Director General for Operations authorizes for production or delivery pursuant to paragraph (b) (2) hereof.

(b) *Restrictions on acceptance of orders for, and delivery and acquisition of, critical industrial machinery—(1) General prohibitions.* Except as provided in paragraph (b) (4) hereof, no person shall accept any order for critical industrial machinery, or deliver any critical industrial machinery in fulfillment of any order, whether accepted or not; unless such order is an approved order. No person shall accept delivery of any critical industrial machinery except pursuant to an approved order.

(2) *Procedure for authorization of orders on books.* Manufacturers or distributors may apply for authorization to deliver orders which are not approved orders, on their books on May 18, 1942, as it affects classes of critical industrial machinery from time to time, by filing with the War Production Board in triplicate, plainly marked Ref: L-83, a list of all such orders together with the name of the purchaser or lessee, the date of the order, the number of pieces of machinery, a description of the machinery, the value of the machinery, the rating assigned, if any, the preference rating certificate number, if any (or blanket preference rating order and serial number), the specified delivery date, the percentage of completion of the order on May 18, 1942, as it affects any particular kind of machinery, and the expected use to which the machinery will be put. The Director General for Operations may thereupon, if he shall deem it necessary or appropriate in the public interest and to promote the national defense, authorize the delivery of any such orders, or the assignment of preference ratings thereto.

(3) *Auction sales, sales pursuant to court order and similar transactions.* Dispositions of used critical industrial machinery at auction, at sheriff's sale, at tax sales, in liquidations of all or part

of a business, and in similar transactions must be approved orders unless such dispositions are made to distributors within the limits specified in paragraph (b) (4) (vii).

(4) *Exempted transactions.* Nothing in this order shall be construed to prohibit any of the following transactions:

(i) The seizure of critical industrial machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sale agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(ii) The delivery or acquisition of critical industrial machinery (but not subsequent disposition thereof) through a transfer by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(iii) The delivery or acquisition of critical industrial machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock, or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(iv) The transfer of critical industrial machinery, within a plant, or within a single corporate enterprise (including majority-owned subsidiaries), from one plant or branch to another: *Provided, however, That nothing in this subdivision (iv) shall be construed to permit transfers from a portion of an enterprise manufacturing, building, or assembling new machinery to a portion using it.*

(v) The delivery or acquisition of critical industrial machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(vi) Deliveries to, and acquisitions by distributors, of new critical industrial machinery in the following two instances only:

(a) To fill approved orders for new critical industrial machinery which orders are actually in the hands of such distributors; or

(b) To replace new critical industrial machinery delivered by such distributor to fill an approved order.

(vi) Deliveries to, and acquisitions by, distributors of used critical industrial machinery (but not subsequent dispositions thereof) at auction, sheriff's sales, tax sales, liquidations or otherwise.

(viii) Subject to the provisions of paragraph (c), the delivery of critical industrial machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed one month, pending the repair of the damaged machine.

(ix) The delivery and acquisition of critical industrial machinery to be scrapped for its material content.

(x) The unloading, from a vessel, of any imported critical industrial machinery.

(xi) The transfer of any interest in any written instrument evidencing an interest in critical industrial machinery: *Provided, however, That nothing in this subdivision (xi) shall be construed to permit the physical delivery or use of critical industrial machinery.*

(xii) The return of any leased critical industrial machinery by the lessee to the lessor upon the expiration, termination, or cancellation of the lease.

(c) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict any delivery (1) to fill any order or group of orders of less than \$1,000, placed with one or more suppliers within any four weeks' period, for parts intended for use in the repair or maintenance of any single existing machine, or a single machine delivered under the terms of this order, or (2) to fill any order of \$1,000 or more for repair or maintenance parts when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: L-83.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(h) *Records and reports.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for industrial machinery.

ery. All persons affected by this order shall execute and file with the Director General for Operations, War Production Board, such reports and questionnaires as said Director shall from time to time request. On or before 15 days after May 18, 1942, as to any kind of machinery, every manufacturer of critical industrial machinery shall file in triplicate with the War Production Board, plainly marked Ref.: L-83, a supplementary list of all orders for critical industrial machinery now on his books (in excess of the amounts listed in List A), not reported under paragraph (b) (2), together with the name of the purchaser or lessee, the date of the order, the number of pieces of machinery, a description of the machinery, the value of the machinery, the rating assigned, the preference rating certificate number, if any, (or blanket preference rating order and serial number), the specified delivery date, the percentage of completion of the order, and the expected use to which the machinery will be put. Manufacturers who have previously filed a list under the order need not refile.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of March 1943.

CURTIS E. CALDER,

Director General for Operations.

LIST A

1. Packaging and labeling machinery, on orders for a single machine of a value in excess of \$200: *Provided, however, That there shall be excluded from the terms of this order, orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P-115.*
2. Pulp and paper making machinery, on orders for a single machine of a value in excess of \$1,000.
3. Paper converting machinery, on orders for a single machine of a value in excess of \$200.
4. Printing and publishing machinery, on orders for a single new, or less-than-five-year-old reconditioned or used machine of a value in excess of \$200.
5. Bakery machinery, on orders for a single machine of a value in excess of \$200.
6. Confectionery machinery, on orders for a single machine of a value in excess of \$200.
7. Beverage bottling machinery, on orders for a single machine of a value in excess of \$200.
8. Coffee grinding machinery, one horsepower and over, on orders for a single machine of a value in excess of \$50.
9. Food slicing and grinding machinery, one horsepower and over, on orders for a single machine of a value in excess of \$50: *Provided, however, That there shall be excluded from the terms of this order orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P-115.*
10. Dairy machinery and equipment, on orders for a single machine or piece of equipment of a value in excess of \$300: *Provided, however, That there shall be excluded from the terms of this order orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P-118. The term "dairy ma-*

chinery and equipment" includes all machinery and equipment used for the processing of milk and milk products into dairy products, except machinery used on a farm for the producing of and handling of milk preparatory to delivery to commercial processors. A processing plant located on a farm is considered, under the terms of this order, to be a commercial processor, and is subject to the limitations hereof.

11. New woodworking, sawmill and logging machinery and equipment, on all orders for a single machine or unit of equipment of a value in excess of \$250. The term "new woodworking, sawmill and logging machinery and equipment" means: new borers, dowel machines, edgers, gluing equipment, grinders, jointers, kilns, lathes, matchers, mills, mortisers, moulders, routers, sanders, saws, shapers, surfacers, tenoners, trimmers, veneer and plywood machines; and all other new machinery and equipment normally used in cutting, shaping, gluing, finishing, or otherwise processing wood and wood products, except machinery used for painting, varnishing, lacquering and similar purposes.

INTERPRETATION 1

Paragraph (a) (2) of General Limitation Order L-83 defines "Critical industrial machinery" as new, used, or reconditioned machinery of the kinds listed from time to time in List A of the order, and provides that the value of a critical industrial machine shall be the selling price with certain exceptions. List A specifies the machinery included in the order. In certain instances, the list contains dollar limitations on the value of machines so included. For instance, bakery machinery is covered by General Limitation Order L-83 only on an order for a single machine of a value in excess of \$200.

The selling price of a machine would normally establish its value for purposes of this order unless other facts indicated that such selling price was not the actual value placed upon the machinery by the buyer and seller. In any case where a used machine is sold with the understanding by buyer or seller that the machine must be repaired or reconditioned in connection with or in relation to the sale transaction, in order that the machine be an effective instrument, the value of the machine for purposes of this order is to be deemed the aggregate of the selling price of the inoperable machine plus the cost of repairing or reconditioning the machine to the point where it can operate effectively. In other words, the sale of a broken down machine, followed by repairing or reconditioning in order that the machine be in condition to operate, does not avoid the impact of the order merely because the original sale of the inoperable machine is fixed at a value below the limitations established in General Limitation Order L-83; the cost of the repairs necessary to render the machine an effective instrument must be added to such original selling price in order to determine the value for the purposes of the order. (Issued December 17, 1942.)

[F. R. Doc. 43-3887; Filed, March 12, 1943; 10:57 a. m.]

PART 1174—LAUNDRY EQUIPMENT, DRY CLEANING EQUIPMENT AND TAILORS' PRESSING MACHINERY

[General Limitation Order L-91, as Amended March 12, 1943]

§ 1174.1 *General Limitation Order L-91—(a) Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person fabricating or assembling commercial laundry machinery, commercial dry cleaning machinery or tailors' pressing

machinery, or parts designed specifically for any such machinery, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by a manufacturer.

(2) "Distributor" means any person in the business of distributing, selling, or dealing in restricted machinery to the extent that he is engaged in such sales, dealing or distribution, other than sales and distribution outlets controlled by a manufacturer.

(3) "Commercial laundry machinery," "commercial dry cleaning machinery," and "tailors' pressing machinery" include, but are not limited to, machinery of the kinds listed from time to time in List A attached to this order. New machinery of such kinds is machinery which has not been previously used or purchased for use. Secondhand machinery of such kinds is machinery which has been previously used or purchased for use, including rebuilt or reconditioned machinery.

(i) "Tailors' pressing machinery" shall include all pressing machinery of the types used by dry cleaning establishments, by custom tailors, or by pressing establishments, but shall not include any pressing machinery designed specifically for use either in the mass production of garments and other textiles, or in other industrial processes, which is not used by dry cleaning establishments, custom tailors, or pressing establishments.

(ii) "Commercial dry cleaning machinery" shall include all dry cleaning machinery of the types used in laundering or cleaning establishments of any kind, such as, but not limited to, rug cleaning establishments, fur cleaning establishments, ships' service departments, and army exchanges, but shall not include electric hand irons, electrically heated steam irons or electrically heated water spray irons of the types which are subject to the limitations of § 1130.1 (General Limitation Order L-65).

(iii) "Commercial laundry machinery" shall include all laundry machinery, except electric hand irons, electrically heated steam irons or electrically heated water spray irons of the types which are subject to the limitations of § 1130.1 (General Limitation Order L-65), domestic laundry equipment (i. e., washing machines and ironing machines for home use), and laundry equipment designed specifically for use either in the mass production of garments and other textiles, or in other industrial processes, which is not used by laundering establishments.

(4) "Restricted machinery" means

(i) Any new commercial laundry machinery, commercial dry cleaning machinery and tailors' pressing machinery, and

(ii) Any secondhand commercial laundry machinery, commercial dry cleaning machinery and tailors' pressing machinery having a value in excess of \$100 at the time of sale, lease, delivery, or other transfer: *Provided*, That secondhand machinery which is in such condition at the time of transfer that it cannot be used efficiently for the purposes for which it was designed and which is transferred with the intention that the

machinery will be rebuilt or reconditioned by or at the expense of either the transferor or transferee, or both, shall be restricted machinery if its value after such rebuilding or reconditioning will exceed \$100.

(5) "Emergency repair loan" means the temporary leasing or lending of restricted machinery to replace similar machinery while the latter is being repaired.

(b) *Restrictions on delivery.* (1) Regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating certificate, no person shall sell, purchase, lease, deliver, receive delivery of, or otherwise transfer or acquire restricted machinery without authorization by the Director General for Operations on Form PD-418, except as provided in paragraphs (b) (2), (b) (3), (b) (4), (b) (5) and (b) (6) of this order.

(2) The restrictions of paragraph (b) (1) shall not apply if the sale, lease, delivery or other transfer of restricted machinery is to a person acquiring the machinery neither for use nor for export.

(3) The restrictions of paragraph (b) (1) shall not apply if the restricted machinery sold, leased, delivered or otherwise transferred is secondhand and the transfer is by someone other than a manufacturer or distributor to a person acquiring the secondhand restricted machinery for use at the place at which it was last previously used.

(4) The restrictions of paragraph (b) (1) shall not apply to the delivery of restricted machinery from one manufacturer or distributor to another manufacturer or distributor to fill an order or part of an order received by the latter if the filling of the order has been authorized on Form PD-418.

(5) The restrictions of paragraph (b) (1) shall not apply to an emergency repair loan pursuant to written or telegraphic authorization of the Director General for Operations, for a period not in excess of forty-five days, or to the return of any restricted machinery to its owner by the manufacturer or distributor to whom that owner delivered the machinery for repair, rebuilding or reconditioning.

(6) The restrictions of paragraph (b) (1) shall not apply to direct or indirect purchases by the Army of the United States (except purchase orders placed by or for delivery to army exchange services) or by the Navy of the United States (except purchase orders placed by or for delivery to ships' service departments) if the purchase order bears a certification by the person placing the purchase order that notice of intention to place such purchase order has been sent to the War Production Board by such person or by the armed service which ultimately will receive the equipment. For purposes of this paragraph and paragraph (d) (1) an indirect purchase by the Army or Navy is a purchase of restricted equipment by a prime contractor or a sub-contractor of the Army or Navy for ultimate delivery to the Army or Navy, provided that the equipment purchased is constructed in accordance with specifications established by the

Army or Navy and the installation of the equipment is to be supervised by the Army or Navy.

(c) *Procedure for deliveries.* (1) All persons making application for an authorization under paragraph (b) (1) of this order shall make such application on Form PD-418. Applicants who secure authorization upon Form PD-418 shall surrender such Form PD-418 to their supplier before completing the transaction authorized. Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration all expired authorization forms shall be returned for cancellation to the War Production Board.

(2) Persons seeking authorization to make emergency repair loans pursuant to paragraph (b) (5) shall apply in writing, either by letter or telegram, to the War Production Board, Washington, D. C.

(3) Any person who purchases, leases, receives delivery of, or otherwise acquires restricted machinery neither for use nor for export, or who acquires second-hand restricted machinery from a person other than a manufacturer or distributor for use at the place at which the machinery transferred was last previously used, shall certify on his purchase order or contract that such is the case. The person receiving such certification shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(d) *Prohibition of production of new machinery.* No manufacturer shall fabricate or assemble any new commercial laundry or dry cleaning machinery, or any new tailors' pressing machinery, except as follows:

(1) To fill orders for machinery constructed in accordance with specifications of, and purchased directly or indirectly by, the Army of the United States (except army exchange services) or the Navy of the United States (except ships' service departments),

(2) To fill orders approved on Form PD-418 for, and in accordance with specifications of, the Army or Navy of any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

(3) To fill orders approved on Form PD-418 for the Maritime Commission or the War Shipping Administration,

(4) To fill orders approved on Form PD-418 for machinery to equip a vessel constructed by or for the Navy, Maritime Commission, War Shipping Administration or Office of Lend-Lease Administration, or to equip a cantonment or other Army or Navy base constructed for the use and operation of the Army or Navy of the United States,

(5) To fill orders approved on Form PD-418 for a bag loading or other ordinance plant where the hazard is such that commercial laundry or dry cleaning machinery or tailors' pressing machinery has been certified to be necessary by the Army or Navy, or

(6) To complete the assembly of commercial laundry or dry cleaning machinery or tailors' pressing machinery to fill other orders approved by the Director General for Operations on Form PD-418, if the only operation necessary to complete the machinery for delivery is the final assembly of completely fabricated parts.

(7) Upon specific authorization of the Director General for Operations; the Director General for Operations may from time to time specifically authorize one or more manufacturers to fabricate, to assemble, or both to fabricate and assemble specified quantities of machinery of the types restricted by this paragraph (d).

(e) *Production Requirements Plan.* Unless otherwise authorized by the Director General for Operations, no commercial laundry or dry cleaning machinery, or tailors' pressing machinery, including maintenance or repair parts therefor, shall be manufactured except by a person who has filed an application under Priorities Regulation No. 11 (Production Requirements Plan) on a form of the PD-25 series for his material requirements for such manufacture for which he requires priority assistance.

(f) *Non-applicability to rebuilding, reconditioning, repair or maintenance of existing equipment.* The restrictions of paragraph (b) and paragraph (d) of this order shall not be construed to restrict the manufacture, acquisition, sale, or delivery, in any manner, of parts to be used to rebuild, recondition, repair or maintain existing machinery, or machinery delivered under the terms of this order. The above provision for parts for rebuilding, reconditioning, repair, or maintenance includes replacement parts to be used for such purposes.

(g) *Restrictions on use of materials.* (1) No monel metal, nickel, nickel silver, or nickel chrome steels shall be used in the production of new restricted machinery, except when specified by the Army (not including army exchange services), the Navy (not including ships' service departments) or the Maritime Commission, or the War Shipping Administration of the United States.

(2) No person shall use parts for rebuilding, reconditioning, or repairing commercial laundry machinery, commercial dry cleaning machinery or tailors' pressing machinery which parts have an aggregate weight in excess of forty percent of the weight of the machinery which is repaired, rebuilt, or reconditioned, except when necessary in order to meet specifications of the Army (except army exchanges), the Navy except ships' service departments), the Maritime Commission, or the War Shipping Administration of the United States or when specifically authorized by the Director General for Operations.

(3) Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any man-

ufacturer to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any order or regulation effective at the date of any such sale, delivery or other transfer.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, with the exception of Priorities Regulation No. 17.

(i) *Appeals.* Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Records.* Each person affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of commercial laundry and dry cleaning machinery and tailor's pressing machinery.

(l) *Reports.* (1) Each person affected by this order shall execute and file with the War Production Board such reports, information, and answers to questionnaires as the War Production Board shall from time to time request.

(2) On or before January 7, 1943, for the month of December 1942, and on or before the seventh day of each month thereafter, for the preceding month, each manufacturer or distributor of commercial laundry or dry cleaning machinery, or tailors' pressing machinery shall file a monthly report on Form PD-419.

(m) *Communications to War Production Board.* All reports and information required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Service Equipment Division, Washington, D. C.; Ref.: L-91.

Issued this 12th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

LIST A

Blocking machines, garment.
Boards, pressing.
Boards, pressing, velvet and nap.
Boards, shirt folding.
Boards, ironing.
Boards, spotting.
Boards, steam.
Cabinets, deodorizing.
Cabinets, drying.
Cabinets, sterilizing.
Collar shapers.

Collar tipper.
 Conveyors "go back".
 Conveyors, bags, (wet wash).
 Conveyors, monorail.
 Conveyors, shirt.
 Cuff cleaners.
 Dampeners, cloth.
 Dampeners, collar and seam.
 Dry cleaning units, naphtha.
 Dry cleaning units, synthetic.
 Dryers, garments, hot air.
 Dryers, hosiery and sock.
 Dryers, blanket and curtain, stretchers.
 Dryers, rug.
 Dryers, windwhip.
 Dry rooms, conveyor.
 Dry rooms, sectional.
 Dye kettles.
 Dye machines.
 Extractors, laundry.
 Extractors, drycleaning.
 Extractor baskets (no-trux).
 Extractor, starch.
 Extractors, mechanical unloading.
 Feather sanitizing machines.
 Forms, gloves, steam heated.
 Forms, collars.
 Forms, hosiery and socks.
 Forms, overall.
 Forms, sleeve.
 Forms, trouser.
 Filters, solvent.
 Finishers, garment.
 Finishers, sleeve.
 Fluffers, handkerchief.
 Fluting machines.
 Folding machines, automatic.
 Fur cleaning equipment.
 Glazer, fur.
 Glove cleaning machines.
 Hangers, shirt, revolving.
 Hatters equipment.
 Holders, bag.
 Holders, net.
 Identification systems:
 Pin and tag.
 Machine marking.
 Listing machines.
 Irons, puff.
 Irons, rotary.
 Irons, steam.
 Ironers, collar.
 Ironers, flatwork.
 Ironers, flatwork, chest type, steam.
 Ironers, flatwork, cylinder type, steam.
 Ironers, edger, electrical, gas, or steam.
 Ironers, flatwork, cylinder, gas, electric.
 Ironers, flatwork, chest, gas, electric.
 Ironers, handkerchiefs.
 Ironers, hat crown.
 Ironers, ruffles.
 Ironer attachments:
 Canopies.
 Cooling device.
 Feeding devices.
 Stripping device.
 String mark eliminator.
 Napping machine (carding machine)
 (blanket finishing).
 Puffers, steam.
 Presses, pneumatic.
 Presses, foot power.
 Presses, hand power.
 Presses, electric driven.
 Rug scrubbing machines.
 Sand bags, hat.
 Seam cleaners.
 Shakers, flatwork.
 Shapers, sleeves.
 Shapers, trouser.
 Shirt envelope machines.
 Spreaders, flatwork.
 Stackers, flatwork, automatic.
 Stackers, handkerchief, automatic.
 Starch cookers.
 Starching and extracting machines.
 Starching machines.
 Starch mixers.

Steam sterilizers, diapers.
 Steamers, garment.
 Steamers, velvet.
 Sterilizers, feathers.
 Sterilizers, general.
 Stills, vacuum.
 Stretchers, trouser.
 Stretchers, dress.
 Tables, collar finishing.
 Tables, folding.
 Tables, garment blocking.
 Tables, ironing.
 Tables, marking.
 Tables, shaping.
 Tables, shirt finishing and folding.
 Tables, spotting.
 Tables, steam.
 Tables, wet cleaning.
 Tanks, soap.
 Traps, drycleaning.
 Tubs, scrub.
 Tubs, starch.
 Tubs, stationary laundry.
 Tumblers, drying.
 Tumblers, shake-out and conditioning.
 Tumblers, drying, deodorizing.
 Washers, automatic.
 Washers, blanket.
 Washers, drycleaning.
 Washers, glove.
 Washers, metal type.
 Washers, metal cylinder type.
 Washers, rug.
 Washers, sterilizing.
 Washers, unloading.
 Washers, wood type.
 Washers, wood cylinder type.
 Washers, wood shell type.

[F. R. Doc. 43-3868; Filed, March 12, 1943;
 10:57 a. m.]

PART 1206—HORSEHIDE

[General Conservation Order M-141 as
 Amended March 12, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of horsehide for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

[NOTE: Paragraph (a) was amended March 12, 1943]

§ 1206.1 *General Conservation Order M-141—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Horsehide" means the hide or skin which has been removed from a horse, colt, mule, ass or pony.

(2) "Raw horsehide" means an untanned horsehide before depilation.

(3) "Horsehide front" means that part of the horsehide commercially known as the "front", whether or not attached to the butt.

(4) "Horsehide butt" means that part of the horsehide commercially known as the "butt", whether or not attached to the front or shanks.

(5) "Horsehide shanks" means that part of the horsehide commercially known as the "shanks", whether or not attached to the butt.

(6) "Wet salted horsehide" means any horsehide except those commercially known as "dry South American horsehides" or "dry pony furs."

(7) "Put in process" means to soak in water or solution before depilation.

(8) "Military contract" means a contract for products to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the government of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, or Yugoslavia, or the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(9) "Military specifications" includes any and all United States Army, Navy (including the Bureau of Aeronautics and the Bureau of Ships), Marine Corps and Coast Guard specifications.

(10) "Blue chrome state" means the state after tanning but before fat-liquoring and coloring.

(11) "Converter" means any person who during the three years ending November 4, 1942 has caused, or during the operation of this order causes, more than a sum total of 50 horsehide fronts, horsehide butts or horsehide shanks during any one calendar month to be tanned for his account by others.

(12) "Tanner" means any person who during the three years ending November 4, 1942 has tanned, or during the operation of this order tans, more than a sum total of 50 horsehide fronts, horsehide butts or horsehide shanks during any one calendar month either for his own account, for the account of others, or both.

(13) "Basic monthly quota" means $\frac{1}{2}$ of the number of wet salted horsehide fronts, wet salted and dry horsehide butts, or wet salted and dry horsehide shanks, as the case may be, put into process during the period July 1, 1941 to June 30, 1942, inclusive: *Provided, however*, That no "dry ponies" processed for furs, or any part thereof, shall be included in such quota.

(c) *Restrictions on processing of horsehide fronts, butts and shanks.* (1) No tanner shall put in process, and no converter shall cause to be put in process for his account, a greater percentage of his basic monthly quota of wet salted horsehide fronts, wet salted and dry horsehide butts, or wet salted and dry horsehide shanks, than is specified from time to time in orders supplemental to this order: *Provided, however*, That this restriction shall not apply to the processing of "dry ponies" for furs.

(2) No tanner shall put into process, or continue to process, any horsehide

front except into suitable leather meeting any military specification in force at the time, unless in the judgment of his most qualified expert such horsehide front can not be made by him or by any other person into suitable leather meeting any military specification.

(3) [Revoked March 12, 1943]

(4) [Revoked March 12, 1943]

(d) *Restrictions on deliveries, sales and use of raw horsehides and horsehide front leather.* (1) No person shall hereafter sell or deliver any raw horsehide if he knows or has reason to believe such material is to be processed or delivered in violation of this order.

(2) [Revoked March 12, 1943]

[NOTE: Paragraph (3) was amended March 12, 1943]

(3) No tanner or converter shall hereafter sell or deliver any horsehide front leather meeting any military specifications except:

(i) To a converter to fill orders held by such converter for leather to be incorporated into products to fill specific existing military contracts, or

(ii) To any other person for incorporation into products to fill specific existing military contracts held by such other person;

and no person shall accept delivery of or use any such horsehide front leather except a converter or other person under the respective conditions mentioned in this subparagraph.

(4) No tanner or converter shall sell or deliver any horsehide front leather or horsehide shanks not meeting any military specification except for incorporation into work gloves, garments for heavy duty workers, footwear, trusses, surgical supports, artificial limbs, orthopaedic products, sporting goods, and no manufacturer shall accept delivery of or use any such horsehide front leather for purposes other than those designated above in this paragraph.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Reports.* Any person who puts in process, or causes to be put in process for his account, any horsehides, horsehide fronts, horsehide butts or horsehide shanks, shall file with the War Production Board monthly, beginning May 31, 1942, one copy of report form PD-475; and shall file any additional reports or forms prescribed by the War Production Board from time to time.

Any person who uses horsehide leather shall file reports and forms as prescribed by the War Production Board from time to time.

(g) *Records.* Any person who puts in process horsehides or uses horsehide

leather for manufacturing purposes shall preserve such records for not less than two years as will clearly and adequately indicate his compliance with this order.

(h) *Communications to the War Production Board.* All reports, applications, forms or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Ref: M-141.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control. Issued this 12th day of March 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-3876; Filed, March 12, 1943; 10:58 a. m.]

PART 3096—PAPER AND PAPERBOARD

[General Conservation Order M-241 as Amended March 12, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of various materials and facilities required in the manufacture and distribution of paper and paperboard; and the following order is deemed necessary in the public interest and to promote the national defense:

§ 3096.1 *General Conservation Order M-241—(a) Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Produce" includes all operations connected with the production of paper and paperboard, including operations in the finishing room and packaging, but does not include processes or operations applied to paper and paperboard after the primary papermaking, such as printing, waxing, gumming, coating, bag manufacture, cup manufacture and envelope manufacture, box and container manufacture, and the fabrication of paper into paper articles.

(3) "Mill" means a congregation of pulp preparation and roll and sheet finishing equipment, paper machines and

subsidiary facilities located and operated together as a single producing unit for the production of paper and paperboard.

(4) "Base period" means the six month period from October 1, 1941 through March 31, 1942.

(5) "Paper merchant" means any person regularly engaged in the business of buying and reselling paper and/or paperboard.

(c) *Restrictions on production of paper and paperboard.* (1) Unless specifically authorized by the Director General for Operations pursuant to subparagraph (5) of this paragraph (c), no person or persons shall produce paper or paperboard in any mill which has not produced paper or paperboard since August 1, 1942.

(2) Each manufacturer of paper and/or paperboard shall for each mill operated by him determine quarterly a production quota, calculated as follows:

(i) Determine, separately for each class of paper and paperboard on List A, the quantity thereof produced at such mill during the period from October 1, 1941 through March 31, 1942;

(ii) Subtract from the result for each class the quantity produced at such mill during such period of each of the grades of paper or paperboard on List B falling within such class;

(iii) Multiply the remainder for each class by percentage figure set opposite the particular class on List A;

(iv) Add together the several tonnages obtained by (iii), and divide by two.

The quantities shall be measured, to the nearest ton, in tonnage delivered from the paper machine. The method and basis for determining such tonnage shall be that method and basis followed at the particular mill in the past, or any other practicable method and basis, provided the same method and basis are used to determine both current production and production during the base period. If any machine unit of any mill was shut down during the base period for as much as 72 consecutive hours, excluding vacations and holidays, there may be added to (i) for such mill for the class of paper or paperboard principally produced on such machine unit, whatever quantity thereof could have been produced on such machine unit during the down time at the average rate of operation during the preceding month.

The Director General may from time to time by amendment change the classification and/or percentages on List A or change List B, specifying a particular date for the change to take effect. Quotas for production after any such date shall be calculated according to Lists A and B as amended, until further amended. If the effective date of any such amendment is other than the first day of a calendar quarter, the quota for the quarter within which such date falls shall be recalculated by adding together (i) the proportion of the old quota which equals the proportion of the quarter preceding such date and (ii) the proportion of the new quota which equals the

proportion of the quarter following such date, including such date.

(3) No person or persons shall during the first calendar quarter of 1943 or any calendar quarter thereafter produce at any mill any quantity of paper and/or paperboard in excess of the quota for such mill for such quarter determined according to subparagraph (2) of this paragraph (c), except:

(i) To the extent and upon the conditions stated in subparagraph (4) of this paragraph (c); or

(ii) To the extent specifically authorized by the Director General for Operations pursuant to paragraph (5) (c) of this order, subject to any conditions imposed by the Director General for Operations in such authorization: and, *Provided, That,*

(i) Within such quota there may be produced at any mill any quantities of any one or several kinds of paper and/or paperboard, provided that the aggregate during any quarter does not exceed such mill's quota for that quarter; and

(ii) Regardless of and over and beyond any such quota, any person may produce at any mill, unless restricted by paragraph (c) (1) or by paragraph (e), any quantity of any kind of paper on List B.

(4) If one person owns only one mill, and such mill is equipped with only one machine unit for the manufacture of paper and/or paperboard, such person may, unless restricted by paragraph (c) (1) or by paragraph (e), produce at such mill during any calendar week any quantity of paper and/or paperboard required to occupy such machine 120 hours during such week: *Provided, That* such person shall in no other week during the same calendar quarter operate such mill in excess of 120 hours.

(5) If any person owns more than one mill, and can show that by combining or exchanging the several quotas of such mills, or parts thereof, significant quantities of critical materials will be saved, transportation reduced, labor released in areas where needed, or other materials or facilities required in the national defense conserved, he may submit to the Director General for Operations, in writing, a plan for such combination or exchange, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during each month of the year from October 1, 1941 through September 30, 1942, the quantity and kinds of paper expected to be produced at each such mill during each quarter under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will accomplish the purposes mentioned. The Director General for Operations may thereupon approve, modify, or disapprove such plan or may impose upon the execution of any such plan whatever conditions he may deem appropriate to this order. Upon receipt from the Di-

rector General for Operations of approval in writing of such a plan the proponent may produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the Director General for Operations in his approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives such approval.

(d) *Reserve production.* Each manufacturer of paper and/or paperboard shall reserve in the production schedule of each of his mills for the month of March, 1943, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month, at the order of the Director General for Operations, 2% of such mill's potential production as calculated from Lists A and B appended for the current calendar quarter. In general this should amount to approximately 6% of each month's production. The Director General for Operations may on or before the 15th day of any month, by telegram or letter, direct any manufacturer to employ such reserve to produce any kind of paper and/or paperboard usually produced at such mill, and any quantity thereof, not to exceed in the aggregate for any one month 2% of such mill's potential production for the current quarter, and sell and deliver the same within the month to any person named by the Director General for Operations. The manufacturer may refuse so to produce and deliver only for the reasons specified for the refusal of rated orders in § 944.2 (b) of Priorities Regulation No. 1. If the manufacturer does not on or before the 15th of any month receive from the Director General for Operations directions as to the disposition of such reserve (or has received directions as to the disposition of a part but not of the remainder) he may employ the same (or such remainder) as he may desire, consistent with the other provisions of this order.

(e) *Restrictions on inventory.* Unless specifically authorized by the Director General, by telegram or letter, or excepted by paragraph (e) (5):

(1) No person shall knowingly deliver, and no person shall accept delivery of any quantity of newsprint, if the inventory of newsprint in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than seventy five days' supply, on the basis of either his average rate of consuming newsprint for the preceding quarter or

his average rate of consuming newsprint as projected for the then current quarter;

(2) No person shall knowingly deliver to any person except a paper merchant and no person except a paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads greater than sixty days' supply, on the basis of either his average rate of consuming such grade of paper or paperboard for the preceding quarter or his average rate of consuming such grade of paper or paperboard as projected for the then current quarter;

(3) No person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of such paper merchant is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than ninety days' supply, on the basis of either his average rate of distributing such grade of paper or paperboard for the preceding quarter or his average rate of distributing such grade of paper or paperboard as projected for the then current quarter;

(4) No person shall produce at any mill any quantity of any grade of paper or paperboard other than newsprint, if his inventory of such grade at such mill is, or will by virtue of such production become, in excess of (i) two carloads or (ii), if in excess of two carloads, greater than sixty days' supply, on the basis of either the average rate of shipment of such grade from such mill for the preceding quarter or the average rate of shipment of such grade from such mill as projected for the then current quarter.

(5) The term "grade of paper or paperboard" refers to the classification on United States Department of Commerce (Census) Form WPB-514, as revised November 7, 1942, each caption (except those which are further broken down by following captions) representing a separate grade. If a person's gross inventory of a grade is in excess of two carloads or sixty days' supply, as above, but his inventory of a particular item within that grade is less than thirty days' supply (or, in the case of a paper merchant, less than sixty days' supply), he may accept delivery of or produce, and others may deliver to him, any quantity of such item as may be required to provide him with thirty days' supply (or in the case of a paper merchant sixty days' supply). The restrictions of this paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities

Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB-514, as revised November 7, 1942, under the captions "Photographic and other sensitized" (07611) and "Cigarette" (08512), or to any paper or paperboard after it is printed or converted beyond waxing or coating, or to inventories held by or for any agency or government referred to in § 944.1 (b) (1) and (2) of Priorities Regulation No. 1, or by or for the United States Government Printing Office.

(f) *Miscellaneous provisions*—(1) *Records*. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports*. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(4) *Violations*. Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(5) *Appeals*. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications*. All communications concerning this order shall unless otherwise directed, be addressed to, War Production Board, Pulp and Paper Division, Washington, D. C. Ref.: M-241.

Issued this 12th day of March 1943.

CURTIS E. CALDER,

Director General for Operations.

LIST A

Column 1 lists general classes of paper and paperboard by names common in the trade. Each class includes all the grades of paper or paperboard reported on United States Department of Commerce (Census) Forms OPM-514 (for the last quarter of 1941) and WPB-514 (for the first quarter of 1942) by the code numbers, respectively as indicated, set out under the name. In the calculation of a mill's quota there should first be determined the whole quantity of each class produced at the mill during the base period, then subtracted from the result for each class the quantity produced at the mill during the base period of any kind of paper or paperboard on List B falling within such class, then the remainder multiplied by the percentage in column 2, and the several results added and the total divided by two. (See (c) (2) of Order M-241, as amended.)

Class of paper or paperboard	Percentage
Newsprint.....	90
OPM-514—0100 to 0103, incl.	
WPB-514—01000 to 01300, incl.	
Groundwood papers.....	80
OPM-514—0200 to 0207, incl.	
WPB-514—02000 to 02900, incl.	
Book papers.....	80
OPM-514—0300 to 0340, incl.	
WPB-514—03000 to 03590, incl.	
Writings.....	90
OPM-514—0350 to 0375, incl., 0980 to 0983, incl.	
WPB-514—04000 to 08009, incl.	
Wrapping paper (including imitation vegetable parchment, but not including glassine, greaseproof and genuine vegetable parchment).....	85
OPM-514—0400 to 0494, incl. (except 0440, 0450 for glassine, and 0460 for genuine vegetable parchment) and 0800	

Class of paper or paperboard	Percentage
WPB-514—09000 to 10900, incl. (except 09600, 09700 for glassine, and 09800 for genuine vegetable parchment) and 19000	
Glassine, greaseproof and genuine vegetable parchment.....	100
OPM-514—0440, 0450 (glassine only) and 0460 (genuine vegetable parchment only)	
WPB-514—09600, 09700 (glassine only) and 09800 (genuine vegetable parchment only)	
Tissue paper.....	100
OPM-514—0500 to 0516, incl.	
WPB-514—11000 to 11900, incl. and 12100 to 12990, incl.	
Absorbent papers.....	80
OPM-514—0600 to 0607, incl.	
WPB-514—13000 to 13990, incl.	
Cardboard.....	80
OPM-514—0970 to 0974, incl.	
WPB-514—54000 to 54900, incl.	

LIST B

Column 1 lists the grades of paper and paperboard which may in general be manufactured without restriction. (See (c) (3) of Order M-241, as amended). The general class within which each falls, according to the classification on List A, is indicated in Column 2. In the calculation of a mill's quota, the amount produced during the base period of each kind of paper and paperboard listed in column 1 is to be subtracted from the total quantity of the corresponding class in column 2 produced during the base period. (See (c) (2) (ii) of Order M-241, as amended). The kinds of paper and paperboard listed in column 1 are further identified by the numbers in parentheses following each, being the code numbers for each on United States Department of Commerce (Census) Forms OPM-514 (for the last quarter of 1941) and WPB-514 (for the first quarter of 1942), respectively as indicated.

Column 1	Column 2 (Corresponding general class on List A)
(Unrestricted)	
Absorbent for Resin Impregnating and Plastics (OPM-514: 0607) (WPB-514: 13910, 13990)	Absorbent Papers
Absorbent for Vulcanized Fibre (OPM-514: 0605) (WPB-514: 13500)	Absorbent Papers
Building Boards (OPM-514: 1010 to 1013 incl.) (WPB-514: 58000 to 58900 incl.)	Not Listed in A
Building Papers (OPM-514: 0700 to 0704 incl.) (WPB-514: 14000 to 14900 incl.)	Not Listed in A
Carbonizing Paper (less than 24 x 36, 480, 18 #) (OPM-514: 0504) (WPB-514: 12130)	Tissue Papers
Cigarette Paper (less than 24 x 36, 480, 18 #) (OPM-514: 0502) (WPB-514: 12110)	Tissue Papers
Condenser Paper (less than 24 x 36, 480, 18 #) (OPM-514: 0503) (WPB-514: 12120)	Tissue Papers
Container Board (OPM-514—0901 to 0930, incl. WPB-514—51000 to 51900, incl.)	Not listed in A
Currency Paper (not separately identified on census forms)	Writing Papers
Folding box board, etc. (OPM-514—0940 to 0943, incl. WPB-514—52000 to 52990, incl.)	Not listed in A
Photographic Paper (not separately identified on census forms)	Writing Papers
Sanitary napkin and wadding stock (OPM-514: 0510, 0516) (WPB-514: 11100)	Tissue Papers
Set-up box boards, etc. (OPM-514—0950 to 0953, incl. WPB-514—53000 to 53990, incl.)	Not listed in A
Special industrial boards (OPM-514—0960, 0990, 1000, 1020, WPB-514—55000 to 57000, incl. 59000 to 59900, incl.)	Not listed in A
Stencil and Lens Paper (less than 24 x 36, 480, 18 #) (OPM-514: 0505) (WPB-514: 12190)	Tissue Papers

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Reg. 10,¹ Amendment 1]

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Procedural Regulation No. 10 is amended in the following respect:

Section 1300.853 is amended to read as follows:

§ 1300.853 *Procedure where Board member is disqualified.* In the event a Board member is disqualified to act under § 1300.852 the remaining members of the Board shall constitute a quorum to act as the Board. If the Board takes favorable action upon the application made by the disqualified member or in which he has an interest described in § 1300.852 the application, together with all pertinent records, shall be forwarded on or before the tenth day of the following month to the State Director or District Manager who is authorized to hear appeals from the Board under Procedural Regulation No. 9. The State Director or District Manager shall review the matter and shall either confirm, modify or reverse the action of the Board, directing the Board to take such action as may be necessary to give effect to his decision.

This amendment shall become effective March 17, 1943.

(Pub. Law 507, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562; E.O. 9125, 7 F.R. 2719)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3844; Filed, March 11, 1943; 12:24 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,² Amendment 29]

MILEAGE RATIONING GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respect:

Section 1394.7706 (n) is amended to read as follows:

(n) By the following persons for the following purposes:

- (1) Any person, including an employer, employer's organization, or labor organization, for the transportation of farm workers, commercial fishermen, seamen, or marine workers to, from or between their places of employment; or
- (2) An engineer or technician for transportation between home or lodg-

ings and a radio broadcasting transmission station or between such station and other permanent facilities for radio broadcasting for purposes necessary to the operation of such station, but only if such station, because of its power, is located in a rural or suburban area; or

(3) An engineer or technician for the transportation of non-portable equipment to and from temporary installations for radio broadcasting, if no alternative means of transportation are adequate.

This amendment shall become effective March 17, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3845; Filed, March 11, 1943; 12:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation¹ as Amended March 11, 1943]

By Amendment 46, § 1499.13 (a) (1) (i) is amended so that the General Maximum Price Regulation shall read as follows:

In the judgment of the Price Administrator the prices of commodities and services generally have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Price Administrator the maximum prices established by this General Maximum Price Regulation, which apply with certain exceptions to all commodities and services not otherwise subject to regulation, are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act.

So far as practicable the Price Administrator gave due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability. So far as practicable the Price Administrator consulted with representatives of trade and industry.

A statement of the considerations involved in the issuance of this General Maximum Price Regulation is issued simultaneously herewith.²

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, this General Maximum Price Regulation is hereby issued.

MAXIMUM PRICES

Sec.

- 1499.1 Prohibition against dealing in commodities or services above maximum prices.
- 1499.2 Maximum prices for commodities and services.

¹ 7 F.R. 3153, 3330.

² Filed with the Division of the Federal Register. Statements of considerations are also issued simultaneously with the issuance of amendments.

Sec.

- 1499.3 Maximum prices for commodities which cannot be priced under § 1499.2.
- 1499.4 Supplemental regulations.
- 1499.4a Determination of maximum prices by sellers at retail operating more than one retail establishment.
- 1499.4b Adjustment of maximum prices in case of special deals.
- 1499.5 Transfers of business or stock in trade.
- 1499.6 Sales for export.
- 1499.7 Federal and state taxes.
- 1499.8 Less than maximum prices.

COMMODITIES AND SERVICES EXCEPTED FROM THIS GENERAL MAXIMUM PRICE REGULATION

- 1499.9 Commodities excepted from this General Maximum Price Regulation.
- 1499.10 Services excepted from this General Maximum Price Regulation.

RECORDS

- 1499.11 Base-period records.
- 1499.12 Current records.
- 1499.13 Maximum prices of cost-of-living commodities: statement, marking or posting.
- 1499.14 Sales slips and receipts.

REGISTRATION AND ENFORCEMENT

- 1499.15 Registration.
- 1499.16 Licensing.
- 1499.17 Penalties.

PROCEDURE FOR ADJUSTMENT OR AMENDMENT

- 1499.18 Adjustment of maximum prices.
- 1499.19 Petitions for amendment.

DEFINITIONS AND EXPLANATIONS

- 1499.20 Definitions and explanations.

OTHER PRICE REGULATIONS, APPLICABILITY, EFFECTIVE DATE

- 1499.21 Effect of other price regulations.
- 1499.22 Applicability.
- 1499.23 Effective date.
- 1499.23a Effective dates of amendments.
- 1499.24 Appendix A: Report of maximum price determined under § 1499.3 (a).
- 1499.25 Appendix B: Commodities designated by the Price Administrator as cost-of-living commodities.

AUTHORITY: §§ 1499.1 to 1499.25, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICES

NOTE: The meaning of certain provisions and terms of this General Maximum Price Regulation is further explained and defined in § 1499.20. The explanations and definitions are set forth in alphabetical order.³ The terms explained and defined are quoted the first time they appear in the text.

§ 1499.1 *Prohibition against dealing in commodities or services above maximum prices.* On and after the effective date of this General Maximum Price Regulation, regardless of any contract or other obligation:

(a) No "person" shall "sell" or deliver any "commodity", and no person shall sell or supply any "service", at a price higher than the maximum price permitted by this General Maximum Price Regulation; and

(b) No person in the course of trade or business shall buy or receive any commodity or service at a price higher than the maximum price permitted by this General Maximum Price Regulation.

³ With exception of definitions added by amendments.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8281.

² 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2720.

(c) The provisions of paragraph (b) of this section shall not be applicable to any war procurement agency or any contracting or paying finance officer thereof and any such agency or contracting or paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this General Maximum Price Regulation or by the Emergency Price Control Act of 1942. "War procurement agency" as used in this paragraph, includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

[Paragraph (c) added by Amendment 7, 7 F.R. 4659, effective 6-25-42]

§ 1499.2 Maximum prices for commodities and services; general provisions. Except as otherwise provided in this regulation, the "seller's" maximum price for any commodity or service shall be:

(a) The highest price charged by the seller during March 1942:

(1) For the same commodity or service; or

(2) If no charge was made for the same commodity or service, for the similar commodity or service most nearly like it; or

(b) If the seller's maximum price cannot be determined under paragraph (a), the highest price charged during March 1942 by the "most closely competitive seller of the same class":

(1) For the same commodity or service; or

(2) If no charge was made for the same commodity or service, for the similar commodity or service most nearly like it.

Highest Price Charged During March 1942

For the purposes of this General Maximum Price Regulation, the highest price charged by a seller during March 1942 shall be:

(a) The highest price which the seller charged for a commodity "delivered" or service "supplied" by him during March 1942 to a "purchaser of the same class"; or

(b) If the seller made no such delivery or supplied no such service during March 1942, his highest "offering price" for delivery or supply during that month to a purchaser of the same class; or

(c) If the seller made no such delivery or supplied no such service and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March 1942 to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers:

Provided, however, That (1) If before April 1, 1942, the seller raised his prices for a commodity or service to all his classes of purchasers (or to all his classes of purchasers except those to whom he was bound to make delivery or supply during March 1942 pursuant to a firm commitment made before the price rise) and

(2) If during March 1942 he delivered the commodity or supplied the service at the increased price to at least one

class of purchasers, then, in order to allow the seller to apply the price rise to any class of purchasers to which no delivery or supply was made during that month after the price rise (except under a firm commitment made before the price rise), the highest price charged during March 1942 shall be deemed to be:

(i) The seller's increased offering price to such class of purchasers for delivery or supply during March 1942, or

(ii) If the seller had no such increased offering price to that particular class of purchasers, the highest price charged during March 1942 to a purchaser of a different class, adjusted to reflect—

(a) The seller's customary differential in price between the two classes of purchasers; or

(b) If the seller had no such customary differential, the actual percentage differential in price between the two classes of purchasers which existed at the time the seller last entered into a commitment, or, if he did not enter into such a commitment, last submitted an offering price, for delivery or supply to a purchaser of that particular class during March 1942.

No seller shall evade any of the provisions of this General Maximum Price Regulation by changing his customary allowances, discounts or other price differentials.

No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity or service, than the seller required purchasers of the same class to pay during March 1942 on deliveries or supplies of the same or similar types of commodities or services.

[Above portion of § 1499.2 amended by Amendments 23 and 38, 7 F.R. 6615, 10155, effective 8-26-42 and 12-10-42, respectively]

Similar Commodities or Services

One commodity shall be deemed similar to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account. One service shall be deemed similar to another service if the first has the same use and purpose as the second and belongs to a type which would ordinarily be sold for the same or substantially the same price.

Special Provisions

The maximum prices established by this section for certain commodities or services or in certain transactions may be modified by supplementary regulation issued under this section.⁴

[Above paragraph added by Amendment 15, 7 F.R. 5484, effective 7-15-42]

[Note: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to

⁴These modifications are contained in Supplementary Regulation No. 14 and amendments thereto.

be added to maximum prices on sales to procurement agencies of the United States.]

§ 1499.3 Maximum prices for commodities and services which cannot be priced under § 1499.2. The seller's maximum price for a commodity or service which cannot be priced under § 1499.2 of this General Maximum Price Regulation shall be a maximum price in line with the level of maximum prices established by this General Maximum Price Regulation. Such price shall be determined by the seller in accordance with the following procedures:

(a) In the case of a "sale at wholesale or retail" of a commodity, the seller (1) shall select from the same general classification and price range as the commodity being priced under this section, the comparable commodity for which a maximum price is established under § 1499.2 of this regulation and of which the seller delivered the largest number of units during March 1942; (2) shall divide his maximum price for that commodity by his "replacement cost" of that commodity; and (3) shall multiply the percentage so obtained by the cost to him of the commodity being priced under this paragraph. The resulting figure shall be the maximum price of the commodity being priced. Within ten day after determining such maximum price under this paragraph, the seller shall report such price to the "appropriate field office of the Office of Price Administration" upon a form, duly filled out, copied from the form contained in Appendix A of this regulation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(b) In the case of a sale other than at wholesale or retail of a commodity, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (1) a description in detail of the commodity for which a maximum price is sought; and (2) a statement of the facts which differentiate such commodity from other commodities delivered during March 1942 by such seller and by other competitive sellers of the same class. Such authorization will be given in the form of an order prescribing a method of determining the maximum price for the applicant or for sellers of the commodity generally, including purchasers for resale, or for a class of such sellers.

(c) In the case of a sale at wholesale or retail of a commodity which cannot be priced under paragraph (a) of this section, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration or any duly authorized officer thereof. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the regional office of the Office of Price Administration for the region in which his principal place

of business is located an application setting forth (1) a description of the commodity or commodities for which a maximum price is sought; (2) a statement of the reasons why such commodity or commodities cannot be priced under § 1499.2 or § 1499.3 (a) of this General Maximum Price Regulation; and (3) any other facts which the seller wishes to submit in support of the application. The seller shall also submit such additional pertinent information as the regional office may require. Such authorization will be given in the form of an order prescribing a method of determining the maximum price.

(d) In the case of a sale of a commodity the price for which includes the supply of a service of substantial value and which cannot be priced under paragraph (a) of this section, or in the case of a sale of a service, the maximum price shall be a price determined by the seller by applying the first applicable pricing method of the pricing methods stated in § 1499.102 of Maximum Price Regulation No. 165, as amended.⁶

[§ 1499.3 as amended by Amendment 25, 7 F.R. 7093, effective 9-9-42]

§ 1499.4 *Supplemental regulations.* If the maximum prices established for any commodity under the provisions of this General Maximum Price Regulation fail equitably to distribute returns from the sale at retail of such commodity among producers, manufacturers, wholesalers and retailers, the Price Administrator will by supplementary regulation establish such maximum prices for different classes of sellers, or fix such base periods for the determination of their maximum prices, as will insure that each such class of sellers shall receive a fair share of such return.

§ 1499.4a. *Determination of maximum prices by sellers at retail operating more than one retail establishment.* A seller who owns more than one establishment selling commodities at retail and who has had a fixed practice, which prevailed during March 1942, of selling commodities at retail at uniform or at substantially uniform prices in all such establishments or in all such establishments located in a particular area may make written application to the Office of Price Administration, Retail Trade and Services Division, Washington, D. C., for authorization to determine and use uniform maximum prices under this General Maximum Price Regulation in all of such establishments in which it has been the practice to charge uniform or substantially uniform prices. Such application shall state (a) the name and address of the principal office of the seller; (b) the number of separate retail establishments owned by the seller and the address of each such establishment; (c) the kind of merchandise carried in such retail establishments; (d) whether commodities are purchased centrally by the seller and distributed by the seller to

such retail establishments or are purchased separately by such establishments; (e) a description of the fixed practice of the seller of selling commodities at uniform or substantially uniform prices in all such retail establishments or in all such retail establishments located in particular areas indicating the length of time during which such practice has been in effect and whether uniform selling prices are determined in a central office; (f) the names and addresses of the seller's most closely competitive sellers of the same class on a national or regional basis; and (g) any other facts which the seller wishes to submit in support of the application. If such authorization is given, it will be accompanied by instructions as to the method by which the seller may determine and use uniform maximum prices under this General Maximum Price Regulation.

[§ 1499.4a added by Amendment 12, 7 F.R. 5365, effective 7-15-42]

§ 1499.4b *Adjustment of maximum prices in cases of special deals.* Any seller, other than a seller at retail, whose maximum price for a commodity to purchasers of a particular class is based on a "special deal" given by him to such purchasers which he can demonstrate was to have terminated not more than 123 days from the date on which it first became effective, may adjust his maximum price to such purchasers to the highest price at which such commodity was delivered by him to a purchaser of that class during the 30 days immediately preceding the date on which the special deal first became effective.

A seller at retail whose maximum price for a commodity to purchasers of a particular class is based on a special deal given by him to such purchasers as the result of a special deal given to him by his supplier may adjust his maximum price to such purchasers to the highest price at which such commodity was delivered by him to a purchaser of that class during the 30 days immediately preceding the date on which the special deal given by him first became effective. Such adjusted maximum price shall not apply to the particular commodities purchased by the retailer under the special deal given to him by his supplier.

The words "special deal," as used in this section, mean any reduction in the price of a commodity to purchasers of a particular class from the price in effect for purchasers of that class on the day immediately preceding the date on which the special deal first became effective, including but not limited to a reduction in such price resulting from offers of free goods, combination sales, and increased quantity and other discounts to purchasers of such class.

A seller who makes an adjustment in his maximum price pursuant to this section shall, within 10 days thereafter, submit a statement to the regional office of the Office of Price Administration for the region in which the seller's place of business is located, except that if the seller

makes sales of the commodity in more than one region, the statement shall be submitted to the Office of Price Administration, Washington, D. C. Such statement shall set forth:

(a) The seller's maximum price for the commodity prior to the adjustment permitted by this section;

(b) A description of the special deal given by the seller including all the terms thereof, the class or classes of purchasers to which it was applicable, the dates during which it was in effect, and copies of price lists, advertisements and trade announcements pertaining to such special deal;

(c) In the case of a seller at retail a description of the special deal given to him by his supplier including all the terms thereof, the dates during which it was in effect and copies of price lists and trade announcements pertaining to such special deal;

(d) In the case of a seller other than a seller at retail, detailed evidence demonstrating that the special deal was to have terminated on or before a date not more than 123 days from the date on which the special deal first became effective;

(e) The adjusted maximum price established by the seller pursuant to this section; and

(f) A description of all prices and terms of payment which the seller has had in effect for the commodity since January 1, 1941.

The adjusted maximum price reported by the seller pursuant to this section shall be subject to adjustment at any time by the Office of Price Administration.

[§ 1499.4b added by Amendment 14, 7 F.R. 5565, effective 7-21-42]

§ 1499.5 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this General Maximum Price Regulation.

§ 1499.6 *Sales for export.* The maximum price at which a person may export any commodity shall be determined in accordance with the provisions of the Maximum Export Price Regulation⁷ issued by the Office of Price Administration on April 25, 1942.

§ 1499.7 *Federal and state taxes.* Any tax upon, or incident to, the sale, de-

⁶ Revised, 7 F.R. 5059, 7242, 8829, 9000, 10530.

⁷ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10557, 10619, 10718, 11010; 8 F.R. 1060.

livery, processing, or use of a commodity, or the supplying of a service, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity or service and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during March 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March 1942 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this General Maximum Price Regulation.

(2) In all other cases if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this General Maximum Price Regulation.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however,* That the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

[§ 1499.7 as amended by Amendments 7 and 39, 7 F.R. 4659, 10454, effective 6-25-42 and 12-17-42, respectively]

§ 1499.8 *Less than maximum prices.* Lower prices than those established by this General Maximum Price Regulation may be charged, demanded, paid or offered.

COMMODITIES AND SERVICES EXCEPTED FROM THIS GENERAL MAXIMUM PRICE REGULATION

§ 1499.9 *Commodities excepted from this general maximum price regulation.* (a) This General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities:

(1) Any "raw and unprocessed agricultural commodity or greenhouse commodity" while it remains in substantially its original state, except that dried fruits and dried berries (other than dried prunes and other than sales or deliveries "in natural condition" by growers to packers), bananas, and dried imported agricultural commodities, shall be governed by this General Maximum Price Regulation.

[Subparagraph (1) as amended by Amendment 4, 7 F.R. 4339, effective 6-5-42]

(2) Eggs and poultry.

(3) All milk products, including butter, cheese, condensed and evaporated milk, except that fluid milk sold at wholesale and retail, cream sold at wholesale and retail, and ice cream shall be governed by this General Maximum Price Regulation.

[Subparagraph (3) as amended by Amendment 21, 7 F.R. 6007, effective 8/7/42 except that the effective date of this amendment with respect to fluid milk and fluid cream sold at wholesale in the Washington market area as defined in Federal Milk Marketing Order No. 45, as amended, issued by the Secretary of Agriculture August 29, 1941, shall be November 2, 1942]

(4) "Flour, cake mixes and flour mixes", except that "packaged" cake mixes and flour mixes shall be governed by this General Maximum Price Regulation.

[Subparagraph (4) as amended by Amendment 2, 7 F.R. 3990, effective 5-29-42]

(5) Mutton and lamb.

(6) Fresh fish and sea food, and game, (7) Dried prunes, dried edible beans, leaf tobacco (whether dried or green), all nuts and peanuts except cleaned or raw shelled peanuts harvested from the 1941 crop, all salted peanuts and peanut butter, linseed oil, linseed cake, linseed meal, manure, garbage, mixed seeds for house pet birds, and poultry tonics and condiments.

[Paragraph (7) as amended by Amendment 41, 8 F.R. 1204, effective 2-1-43]

(8) Living animals, whether wild or domestic.

(9) Books, magazines, motion pictures, periodicals, newspapers, and materials furnished for publication by any press association or feature service.

[Footnote added by Amendment 45, 8 F.R. 2346, effective 3-22-43]

Exception: Adjusted maximum prices for the milk product known as "ice cream mix," the butterfat content of which is reduced to not less than 8% included in 14% or more [by weight] of milk solids are fixed in subparagraph (1a) of § 1499.73 (a) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 119 to Supplementary Regulation No. 14, 8 F.R. 2346).

(10) Blister copper, lead bullion, "ores", and ore concentrates.

[Subparagraph (10) as amended by Amendment 36, 7 F.R. 9616, effective 11-24-42]

(11) Stumpage, logs, and pulpwood.

(12) Stamps and coins; "precious stones" and mountings into which precious stones are set; antiques and knotted oriental rugs; paintings, etchings, sculptures and other objects of art.

[Subparagraph (12) as amended by Amendment 9, 7 F.R. 5027, effective 7-2-42]

(13) Used automobiles.

(14) Wood and gum for naval stores and gum naval stores.

[Subparagraph (14) as amended by Amendment 5, 7 F.R. 4487, effective 6-19-42]

(15) "Securities."

(16) Such other commodities as may be specified by supplementary regulations issued under this section.*

(b) This General Maximum Price Regulation shall not apply to the following sales or deliveries:

(1) By a farmer, of commodities grown and processed on his farm, if the total of such sales or deliveries does not exceed \$75 in any one calendar month.

(2) By any person, of his used supplies or equipment not acquired or produced by him for the purpose of sale; *Provided, however,* That the exception contained in this subparagraph shall not apply to sales or deliveries of used tin cans sold or delivered to persons authorized or licensed under paragraph (b) (4) of Supplementary Order No. M-72-a, issued by the Director General for Operations, War Production Board.

[Paragraph (2) as amended by Amendment 42, 8 F.R. 1317, effective 2-3-43]

(3) By an owner, of his used personal or household effects or other personal property used by him.

(4) At a bona fide auction of used household or personal effects.

(5) By hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments, of meals, servings of food portions customarily served separately or as part of a meal, or beverages mixed or prepared by the seller. This exemption shall not apply to sales of ice cream in cones, dixie cups or similar packages.

[Paragraph (5) as amended by Amendment 44, 8 F.R. 2110, effective 2-20-43]

(6) By a breeder, trapper, or hunter, of pelts, furs, or other parts of wild animals raised by him, or trapped, shot, or killed by him, if the total of such sales or deliveries does not exceed \$75 in any one calendar month.

(7) Of commodities sold without private profit in the course of any sale, fair, or bazaar conducted for a period of not more than 15 days by any religious, charitable, or philanthropic organization.

(8) To the United States or any agency thereof of such commodities or in such

* These other commodities are contained in Supplementary Regulation No. 1 and amendments thereto.

* 7 F.R. 6955.

transactions as may be specified by supplementary regulations issued under this section.¹⁰

(9) Such other sales and deliveries as may be specified by supplementary regulations issued under this section.

§ 1499.10 *Services excepted from this general maximum price regulation.* The provisions of this General Maximum Price Regulation shall not apply to such services as may be specified by supplementary regulations issued under this section or by any amendments thereto.¹¹

[§ 1499.10 as amended by Amendment 8, 7 F.R. 4738, effective 7-1-42]

RECORDS

§ 1499.11 *Base-period records.* Every person selling commodities or services for which, upon sale by that person, maximum prices are established by this General Maximum Price Regulation, shall:

(a) Preserve for examination by the Office of Price Administration all his existing "records" relating to the prices which he charged for such of those commodities or services as he delivered or supplied during March 1942, and his offering prices for delivery or supply of such commodities or services during such month; and

(b) Prepare, on or before July 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(1) The highest prices which he charged for such of those commodities or services as he delivered or supplied during March 1942 and his offering prices for delivery or supply of such commodities or services during such month, together with an appropriate description or identification of each such commodity or service; and

(2) All his customary allowances, discounts, and other price differentials.

Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person, may file it with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this General Maximum Price Regulation.

§ 1499.12 *Current records.* Every person selling commodities or services for which, upon sale by that person, maximum prices are established by this General Maximum Price Regulation shall keep, and make available for examination by the Office of Price Administration, records of the same kind as he has customarily kept, relating to the prices

which he charged for such of those commodities or services as he sold after the effective date of this General Maximum Price Regulation; and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices for those commodities or services.

§ 1499.13 *Maximum prices of cost-of-living commodities: statement, marking or posting.* For the purposes of this section, a cost-of-living commodity is any commodity designated as such by the Price Administrator. A list of the classes of commodities so designated appears in § 1499.25, Appendix B, of this General Maximum Price Regulation.

(a) On and after May 18, 1942, every person offering to sell a cost-of-living commodity at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale: *Provided*, That whichever of the above methods of posting is adopted, the maximum price of each commodity offered for sale shall be plainly visible to the purchaser at the place in the business establishment where the commodity is offered for sale, and shall not be obscured by the posted prices of other commodities, whether by use of price books or catalogs or layers of price lists or otherwise or in any other manner. The maximum price shall be stated as follows: "Ceiling price \$-----;" or "Our ceiling \$-----." Any person choosing to post by price-lines the maximum prices of commodities in the classifications marked by asterisks in Appendix B, shall post the maximum price by price-line at the place in the business establishment where the commodities in such price-line are offered for sale, and, in addition, shall mark the selling price of each such commodity on the commodity itself.

[Paragraph (a) as amended by Amendment 18, 7 F.R. 5783, effective 7-30-42]

(1) Every seller making retail sales on the basis of orders received by mail shall post or mark his maximum prices in all catalogs, flyers, leaflets, circulars, booklets, lists or other printed or similar matter issued and distributed by him after the effective date of this amendment for the purpose of obtaining mail orders. One of the following methods of posting or marking shall be used:

(i) State the maximum price for each cost-of-living commodity listed in each of the publications described above at the place in the publication where such commodity is listed. A change in maximum price, which has occurred after a publication has been printed but before it has been distributed, shall be entered either where the cost-of-living commodity has been listed or upon a correction

page inserted and attached inside the front cover of the publication. The maximum price shall be stated substantially as follows: "Ceiling price \$-----;" or "Our ceiling price \$-----;" or,

(ii) Print on the front cover of all catalogs, flyers, leaflets, circulars or booklets, or the front page of all lists or publications not having a cover, at the time they are issued, substantially the following statement signed with the name of the seller:

NOTICE TO CUSTOMERS

No price for any article listed or described herein exceeds the ceiling price for that article as determined under the applicable maximum price regulation issued by the Office of Price Administration. As required by that Office, we will, upon request, furnish you with a statement of our maximum prices on any of the commodities listed about which you inquire.

(Signed) -----

Any seller using this method, shall upon request, furnish a statement of the maximum prices for any commodities listed or described in the publication and about which the customer inquires.

(2) Any seller making retail sales by mail may apply to the Office of Price Administration for permission to deviate from the requirements in subparagraph (1). The application shall state why such requirements are inequitable or inappropriate as applied to the applicant's business, and shall show that the requested method of posting is substantially in line with the requirements of posting for mail order sellers set forth in subparagraph (1).

[Subparagraphs (1) and (2) as amended by Amendment 35, 7 F.R. 9615, effective 11-24-42]

(b) On or before July 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the "appropriate war price and rationing board" of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Such statement shall be kept up to date by such person by filing on the tenth day of every succeeding month a statement of his maximum price for any cost-of-living commodity newly offered for sale during the previous month, together with an appropriate description or identification of the commodity.

[Paragraph (b) as amended by Amendment 11, 7 F.R. 5192, effective 7-11-42]

(c) No person is required to mark or file the maximum price of any commodity manufactured by him if his only sales at retail of such commodity are made to his employees.

[Paragraph (c) added by Amendment 31, 7 F.R. 8881, effective 11-5-42]

§ 1499.14 *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt show-

¹⁰ These commodities or transactions are contained in Revised Supplementary Regulation No. 4 and amendments thereto.

¹¹ These services are contained in Revised Supplementary Regulation No. 11 and amendments thereto.

ing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

REGISTRATION AND ENFORCEMENT

§ 1499.15 Registration. Every person selling at wholesale, and every person who owns, or hereafter becomes the owner of, any business operating an "establishment selling at retail" any commodity or service for which a maximum price is established by this General Maximum Price Regulation or by any other "price regulation" of the Office of Price Administration, shall register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe, on forms which will be made available by the Office of Price Administration.

[§ 1499.15 as amended by Amendment 7, 7 F.R. 4659, effective 6-25-42]

1499.16 Licensing—(a) License required. A license as a condition of selling is required of every person selling at wholesale or retail any commodity or service for which a maximum price is established by the General Maximum Price Regulation or by any other price regulation of the Office of Price Administration. No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any commodities or services as to which his license to sell is suspended.

(b) **License granted.** Every person selling at wholesale or retail any commodity or service for which a maximum price is established by the General Maximum Price Regulation or by any other price regulation of the Office of Price Administration is by the General Maximum Price Regulation granted a license as a condition of selling any such commodity or service. The provisions of the General Maximum Price Regulation and of every price regulation of the Office of Price Administration to which this section now is or may hereafter become applicable shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of the General Maximum Price Regulation or when any such person becomes subject to the maximum price provisions of this or any other price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as such regulation, or any applicable part, amendment, or supplement remains in effect.

[§ 1499.16 as amended by Amendments 20 and 37, 7 F.R. 6081, 9732, effective 8-8-42 and 11-25-42, respectively]

§ 1499.17. Penalties. Persons violating any provision of this General Maximum Price Regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

No. 51—4

PROCEDURE FOR ADJUSTMENT OR AMENDMENT

§ 1499.18 Adjustment of maximum prices. The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the following cases:

(a) In the case of any seller at retail who shows:

(1) That such maximum price is abnormally low in relation to the maximum price of the same or similar commodity or service established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942 will be granted under this paragraph (a).

(b) In the case of any seller, other than a seller at retail, who shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (b).

(c) In the case of any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a commodity or service which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity or service; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (c).

(d) In the case of any seller at retail who shows:

(1) That his maximum price for any commodity established under this Regulation is less than the minimum price in effect for such commodity during March 1942 pursuant to a contract entered into in accordance with a Fair Trade Act of any state; and

(2) That the commodity was generally sold at retail during March 1942 at such minimum price within the locality in which his selling establishment is located; and

(3) That he has been permanently enjoined by a court from selling the commodity at less than such minimum price. In such a case the maximum price of such seller will be increased to such minimum price.

(e) In such other cases as may be specified by supplementary regulation issued under this section.

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.¹²

[§ 1499.18 as amended by Amendment 33, 7 F.R. 8942, effective 11-4-42]

[Note: Procedural Regulation No. 6 (7 F.R. 5067, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.]

[Note: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1499.19 Petitions for amendment. Any person seeking an amendment of any provision of this General Maximum Price Regulation, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1499.19 as amended by Supplementary Order 26, 7 F.R. 8948]

DEFINITIONS AND EXPLANATIONS

§ 1499.20 Definitions and explanations. This General Maximum Price Regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(a) "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

(b) "Appropriate war price and rationing board" means the war price and rationing board for the area in which is located the seller's place of business from which the cost-of-living commodities are offered for sale.

(c) "Commodity" includes commodities, articles, products, and materials and contracts to buy, sell, or deliver any of the foregoing.

[Paragraph (c) as amended by Amendment 8, 7 F.R. 4738, effective 7-1-42]

(d) "Delivered." A commodity shall be deemed to have been "delivered" during March 1942, if during such month it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(e) "Establishment" refers to the physical location of the store, shop or other place of business in which commodities or services are sold. Any such establishment shall be deemed to be

¹² 7 F.R. 8961.

selling at retail if it has an established practice of making sales at retail.

(f) [Revoked by Amendment 41, 8 F.R. 1204, effective 2-1-43]

(g) "Most closely competitive seller of the same class." "Seller of the same class" means a seller (1) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (2) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store), (3) dealing in the same type of commodities or services, and (4) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (i) is selling the same or a similar commodity or service, and (ii) is closely competitive in the sale of such commodities or services, and (iii) is located nearest to the seller.

[Paragraph (g) as amended by Amendment 7, 7 F.R. 4659, effective 6-25-42]

(h) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he regularly quoted in any other manner, except that in the case of sales of commodities by an establishment selling at retail, the offering price shall be the price at which the commodity was offered for sale at the immediate point of sale (for example, the shelves or counters). But "offering price" shall not include a price intended to withhold a commodity or service from the market, or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

(i) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(j) "Price regulation" means a price schedule effective in accordance with the provisions of § 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(k) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(l) "Raw and unprocessed agricultural commodity or greenhouse commodity." Commodities that are picked, harvested, threshed, ginned, husked, cleaned, dried, baled, boxed, packed, transported, and/or refrigerated, without more, remain "raw and unprocessed." But operations such as slaughtering, freezing, canning, preserving, milling, crushing, straining, cen-

trifuging, shelling of nuts, cooking, distilling, and purifying with heat, constitute processing for this purpose. For the purposes of this General Maximum Price Regulation the following commodities shall be deemed to be raw and unprocessed agricultural commodities: (1) all natural flowers and floral products, whether fresh or dried, (2) all seeds and bulbs as long as they maintain their original identity without being further processed into products commonly designated by other names. Forest products, such as lumber, wood naval stores, and mineral products, whether processed or unprocessed, shall not be deemed to be agricultural commodities.

[Paragraph (l) as amended by Amendment 41, 8 F.R. 1204, effective 2-1-43]

(m) "Records" include books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(n) "Replacement cost" shall be the net price paid by the seller after May 18, 1942, or the net price which the seller would have to pay to replace such commodity after such date.

(o) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user except that (1) for the purpose of § 1499.3 of this General Maximum Price Regulation a "sale at retail" shall not include any sale by a producer, manufacturer, or fabricator of any commodity produced, manufactured, or fabricated by him, and (2) for the purpose of §§ 1499.11 and 1499.13 of this General Maximum Price Regulation a "sale at retail" shall not include any sale to the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library or any agency of any of the foregoing.

[Paragraph (o) as amended by Amendment 7, 7 F.R. 4659, effective 6-25-42]

(p) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer, except that (1) for the purposes of § 1499.3 of this General Maximum Price Regulation a sale at wholesale shall include any sale by such person to an industrial or commercial user, and (2) "sold at wholesale" refers to a sale, by any person, of fluid milk or cream in bottles or paper container, ice cream mix whose butterfat content is reduced to not less than 8% included in 14% or more (by weight) of milk solids, and ice cream to any person, including an industrial or commercial user, other than the ultimate consumer.

[Paragraph (p) amended by Amendment 21, 7 F.R. 6007, effective 8/7/42 except that the effective date of this amendment with respect to fluid milk and fluid cream sold at wholesale in the Washington market area as defined in Federal Milk Marketing Order No. 45, as amended, issued by the Secretary of Agriculture August 29, 1941,

shall be November 2, 1942, (2) as amended by Amendment 45, effective 2-22-43]

(q) "Securities" includes any note, stock, bond, and interest or instrument commonly known as a "security."

(r) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly. Nothing in this General Maximum Price Regulation shall be construed to prohibit the making of a contract to sell a commodity or service at a price not to exceed the maximum price at the time of delivery or supply.

(s) "Seller" includes the seller of any commodity or service. Where a seller at retail makes sales or supplies services through more than one selling unit, other than salesmen making sales at uniform prices, each such separate place of business of the seller shall be deemed to be a separate seller. Where a seller other than at retail makes sales or supplies services through more than one selling unit, all selling units whose prices for most of the commodities they sell have customarily been determined centrally by the same office, shall be deemed to be a single seller; but where a seller has by charging different prices for a commodity at his selling units established different classes of purchasers, he will have different maximum prices for the different selling units. For the purposes of Section 16 of this regulation, the owner of a business shall be considered the seller regardless of the number of separate places of business he owns.

[Paragraph (s) as amended by Amendment 43, 8 F.R. 2029, effective 2-18-43]

(t) "Service" includes any service rendered or supplied, otherwise than as an employee, in connection with the processing, distribution, storage, installation, repair, or negotiation of purchase or sale of a commodity, and generally, without limiting the foregoing, all services which preserve or add to the value

(u) "Supplied." A service shall be or utility of a commodity. deemed to have been "supplied" during March 1942, if during such month it was completed or in process.

(v) "Flour" means the flour produced from wheat, rye, buckwheat, rice, corn, oats, barley, soybeans and potatoes. Combinations of flours produced from the said commodities, and bleached, bromated, enriched, phosphated and self-rising flours shall be considered flour. Flour from wheat shall mean:

(1) Any product of the milling of wheat, other than durum wheat, whose ash content is not more than 1/20th of the protein calculated to a moisture-free basis plus .35 except that farina shall not be deemed to be flour from wheat.

(2) Any product of the milling of durum wheat, whose ash content calculated to a moisture-free basis, is not more than 1.5 per cent, except that semolina shall not be deemed to be a flour from wheat.

- (3) Whole wheat flour.
 (4) Whole durum wheat flour.
 (5) Blends of the foregoing flours from wheat.

In determining whether the ash content of bleached, bromated, enriched, phosphated and self-rising flours complies with the above ash requirements, allowances shall be made for the increase in the ash content resulting from the addition of the bleaching, bromating, enriching, phosphating and self-rising ingredients.

[Paragraph (v) added by Amendment 2, 7 F.R. 3990, and amended by Amendment 34, 7 F.R. 9435, effective 5-29-42 and 11-21-42, respectively]

(w) "Cake mixes" and "Flour mixes" means combinations of flour or flours with any other ingredients except those used in making bleached, bromated, enriched, phosphated and self-rising flours.

[Paragraph (w) added by Amendment 2, 7 F.R. 3990, and amended by Amendment 6, 7 F.R. 4659, effective 5-29-42 and 6-22-42, respectively]

(x) "Packaged" as applied to "cake mixes" and "flour mixes" means packaged for sale at retail in a container of any sort holding three pounds or less, where the packaging has been done before arrival at the point of retail sale.

[Paragraph (x) added by Amendment 2, 7 F.R. 3990, effective 5-29-42]

(y) "Ores" means any mineral substance in a crude state used chiefly as a commercial source of metal contained therein. "Ore concentrates" means any ore, as defined above, after the removal of a part of the gangue, or a part of the nonmetallic elements, either by a physical or chemical process.

[Paragraph (y) added by Amendment 17, 7 F.R. 5784, effective 7-30-42]

(z) "Precious stones" means any ruby, sapphire, emerald, natural pearl, or any diamond (other than an industrial diamond) weighing more than 1.00 carat, or any semiprecious stone after sale by the cutter, when the cutter has received more than \$100 for the sale of the stone. Synthetic stones and cultured pearls shall not be deemed "precious stones". If two or more diamonds (other than industrial diamonds) with an aggregate weight of 1.50 carats are set in one mounting, the diamonds shall be deemed precious.

[Paragraph (z) added by Amendment 9, 7 F.R. 5027, and amended by Amendment 13, 7 F.R. 5445, effective 7-2-42 and 7-16-42, respectively]

OTHER PRICE REGULATIONS, APPLICABILITY, EFFECTIVE DATE

§ 1499.21 *Effect of other price regulations.* §§ 1499.13, 1499.14, 1499.15, 1499.16 and 1499.25 of this General Maximum Price Regulation shall apply but the other provisions of this General Maximum Price Regulation shall not apply to any sale or delivery for which a maximum price is in effect, at the time of such sale or delivery, under the provisions of any other price regulation issued, or which may be issued, by the Office of

Price Administration, unless otherwise provided in any such price regulation. [§ 1499.21 as amended by Amendment 7, 7 F.R. 4659, effective 6-25-42]

§ 1499.22 *Applicability.* The provisions of this General Maximum Price Regulation shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1499.23 *Effective date.* All the provisions of this General Maximum Price Regulation shall become effective on May 11, 1942, except that:

(a) The provisions of this General Maximum Price Regulation, other than § 1499.11 (a), shall not apply to establishments selling at retail until May 18, 1942;

(b) The provisions of §§ 1499.1 and 1499.2 shall not apply to any sale of services at retail until July 1, 1942; and

(c) The provisions of § 1499.11 (a) shall become effective upon the date of issuance of this General Maximum Price Regulation.

[Issued April 28, 1942.]

§ 1499.23a *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected.]

§ 1499.24 *Appendix A: Report of maximum price determined under § 1499.3 (a).*

Form GMPR:2 This form GMPR:2 shall be used for the reporting of a maximum price for sale at wholesale or retail determined under § 1499.3 (a) of the General Maximum Price Regulation. The maximum price for sale at wholesale or retail may be determined under this section only if the seller cannot determine maximum prices under § 1499.2: i. e., if there was no sale or offer to sell of the same or similar commodities by the seller reporting or by a competitor during the month of March, 1942. Any seller who has determined a maximum price under § 1499.3 (a) is required, within 10 days after such determination, to report such price to the appropriate field office of the Office of Price Administration. If the maximum price reported is incorrectly determined or otherwise unreasonable the seller will be required to determine a new maximum price and to file a new report.

The Office of Price Administration has the right at any time for cause to revise the price so reported.

Any seller who under § 1499.4a of the General Maximum Price Regulation has received authorization of the Retail Trade and Services Division to determine uniform maximum prices pursuant to § 1499.3 (a) for a group of stores under its control in which it has been the practice to charge uniform or substantially uniform prices, shall file his report or reports in accordance with and at the place or places designated in the Order issued by the Office of Price Administration authorizing uniform pricing.

Form GMPR:2

To: Office of Price Administration

From: _____

Name

Address

If report is filed for more than one store indicate here or on attached sheets the stores included or the area covered _____

The undersigned hereby reports its determination, made in accordance with § 1499.3 (a) of the General Maximum Price Regulation, of the maximum price for the commodity described in item 1 below.

1. Brief description of commodity for which a maximum price is reported: _____

2. Reasons why price could not be determined on the basis of a same or similar commodity dealt in by the undersigned or a competitive seller during March 1942: _____

3. (a) General classification in which the undersigned classes the commodity for which maximum price is reported _____

(b) Brief description of comparable commodity in this general classification and price range of which the undersigned delivered the largest number of units during March 1942 (referred to herein as "comparable commodity"):

4. The maximum price reported was determined from calculations A, B, and C below, in accordance with instructions printed below:

A. Comparable Commodity:

	Col. (2)	Col. (3)	Col. (4)	Col. (5)
	Unit of pricing	Net replacement cost per unit	Maximum price per unit	Percentage (col. 4 divided by col. 3)
Example: Commodity X.	Each...	\$4.00	\$5.00	125

B. Net cost per unit of commodity for which maximum price is reported _____

C. Maximum price reported per unit _____
 (This is to be calculated by multiplying item 4B by item 4A, col. 5.)

5. The price reported is a price for sale at retail _____, at wholesale _____ (Check the appropriate designation.)

6. Date price reported became effective _____

CERTIFICATION

I certify that I have read this report, and that all statements made therein are true and correct.

(Sign)

(Address—Post Office, City and State)

(Date)

Pursuant to § 205 (b) of the Emergency Price Control Act of 1942 it is a criminal offense punishable by a fine of not more than \$5000 or by imprisonment for not more than one year, or both, to make any false statement or entry in the above report. This form does not need to be acknowledged before a notary public.

INSTRUCTIONS

The following instructions must be followed in completing this form:

Item 1. Give a brief but complete description of the commodity for which the price is reported. The description should be sufficient to enable any representative of OPA to identify the item. It should include a description of its use, unit, size, packaging, brand name or name of the manufacturer if known, the material of which the item is constructed and any other pertinent information.

Item 2. Indicate how commodity for which price is reported differs from other commodity

ties sold by the seller, or competitive sellers of the same class, during March 1942. If the seller or competitive sellers sold similar, though not identical, items during March, 1942, maximum prices may not be established under § 1499.3 (a) but must be determined under § 1499.2 of the General Maximum Price Regulation.

Item 3. (a) Insert general classification (food, hardware, men's clothing, etc.), in which the seller classes the commodity for which a maximum price is reported.

(b) Insert a brief description of comparable commodity in the same general classification and price range of which the seller delivered the largest number of units during March, 1942. The description should be as complete as under Item 1 above.

Item 4-A. Column 1. Name of comparable commodity.

Column 2. Insert unit of pricing, e. g., pound, quart, garment, dozen, gross, etc.

Column 3. Insert net replacement cost per unit. Net replacement cost shall be net price¹ per unit paid by the seller after May 18, 1942, or the net price which the seller would have to pay to replace the comparable commodity after such date. In no case shall this be higher than suppliers' maximum price.

Column 4. Insert the maximum price per unit established in accordance with § 1499.2 of the General Maximum Price Regulation.

Item 4-B. Insert net cost² per unit of commodity for which price is reported.

Item 4-C. Calculate maximum price reported per unit as follows: Multiply unit cost (4-B) by percentage (4-A, Column 5).

Item 5. Indicate whether the price reported in 4-C is a price for sale at wholesale or at retail as defined in § 1499.20, items (o) and (p) of the General Maximum Price Regulation.

Item 6. State the date on which the price was effective for sales to purchasers.

[§ 1499.24 as amended by Amendment 19, 7 F.R. 6058, effective 8-6-42]

§ 1499.25 Appendix B: Commodities designated by the Price Administrator as cost-of-living commodities.

[NOTE: For the commodity classifications marked by asterisks, maximum prices may be posted by price lines at the place in the business establishment where the commodities are offered for sale, provided that, in addition, the selling price of each commodity in such classification shall be marked on the commodity itself. See § 1499.13 of this General Maximum Price Regulation.]

TOBACCO, DRUGS, TOILETRIES, AND SUNDRIES

(All brands, grades, and sizes, except where otherwise indicated)

Tobacco:

Cigarettes.
Smoking tobacco, in cans and packages.

Packaged household drugs:

Aspirin tablets.
Milk of magnesia, liquid.
Cod liver oil, liquid.
Epsom salts.
Boric acid.
Castor oil and mineral oil.
Witch-hazel and rubbing alcohol.

Toiletries and sundries:

Hand and toilet soaps.
Dentifrices (paste, powder, and liquid).
Shaving cream.
Toothbrushes.
Sanitary napkins.
Razor blades.
Facial tissues.

Infants' food: All types.

Ice cream: Bulk and packaged.

¹ "Net price" (or "net replacement cost") shall be the price paid after deducting all discounts allowed to, and adding transportation and delivery charges paid by the seller filing this form.

APPAREL AND YARD GOODS

Men's and boys' clothing:

Suits, business and sport*.
Overcoats, topcoats, and raincoats, business and sport*.
Trousers and slacks, dress, sport, and wash*.
Men's shirts, other than formal*.
Pajamas and nightshirts, cotton, wool, and part wool*.
Shorts, cotton.
Undershirts, cotton knit.
Union suits.
Hosiery, other than pure silk and pure wool*.
Felt hats*.
Work shirts.
Work pants.
Overalls and coveralls.
Sweaters.
Mackinaws*.
Jackets, boys' only*.
Men's work gloves.
Boys' gloves and mittens.
Boys' blouses and shirts.
Boys' snow suits*.

Infants' clothing:

Diapers.
Dresses, other than silk.
Shirts.
Binders.
Sleeping garments.
Coats, cotton, wool, part wool.
Snow suits.
Sweaters.
Sunsuits (cotton only).

Women's and girls' clothing:

Coats, untrimmed and fur-trimmed, sport and dress*.
Suits*.
Dresses, street and house*.
Hosiery, including anklets*.
Panties and slips*.
Foundation garments and brassieres*.
Women's gloves, children's gloves and mittens*.
Skirts.
Blouses and shirts, rayon or cotton*.
Sweaters.
Children's jackets*.
Nightgowns and pajamas, other than silk*.
Robes and house coats, flannel and cotton*.
Children's overalls, slacks, sunsuits and shorts (cotton only)*.
Children's snow suits*.

Yard goods:

Cotton yard goods.
Rayon yard goods.
Wool and mixtures of wool.

Footwear:

Street, work, dress, and sport shoes for men, women, and children*.
Infants' shoes.
Rubber footwear.

FOOD AND HOUSEHOLD SUNDRIES

Meat

Fresh beef:

Rib roast.
Chuck steak.
Top round steak.
Rump roast.
Chuck roast.
Beef liver.
Ground round steak.

Pork:

Loin whole roast.
Rib end roast.
Loin end roast.
Best center cut chops.
Bacon.
Ham, whole, half, or sliced.
Salt pork.

Other meat products:

Cooked or smoked ham.
Frankfurters.

Canned Fruits, Vegetables, and Juices

Canned peaches.
Canned pears.
Canned pineapples.
Canned corn.

Fresh beef—Continued.

Canned peas.
Canned tomatoes.
Canned pork and beans.
Canned green beans, cut.
Canned tomato juice.
Canned grapefruit juice.²
Canned pineapple juice.

Other Groceries and Household Sundries

Canned salmon.
Canned vegetable soup.
Canned tomato soup.
Packaged flour mixes (cake, pancake, biscuit mixes only).
Macaroni and spaghetti, dried, bulk, and packaged.
Rolled oats, bulk and packaged.
Corn flakes.
Bread, all types.
Soda crackers.
Fresh milk and cream.
Lard, bulk and print.
Vegetable shortening.
Sugar, all types, packaged and bulk.
Coffee.
Cocoa.
Table salt.
Corn meal, bulk or packaged.
Rice, bulk or packaged.
Toilet paper.
Soaps (bar, flakes, powder, chips, granular, and cleansing powders).
Paper napkins.

HOUSEHOLD FURNITURE, APPLIANCES, AND FURNISHINGS

Appliances and equipment:

Radios and phonographs.
Vacuum cleaners and carpet sweepers.
Refrigerators and iceboxes.
Washing machines.
Sewing machines.
Stoves and ranges.
Small appliances: irons, toasters, glass coffee makers, and mixers.
Floor lamps and bridge lamps.
Light bulbs.
Ironing boards.
Step-on cans.
Floor brooms.
China and pottery tableware, in sets.
Cooking utensils (10-quart pail, 2-quart saucepan, 5-quart tea-kettle).

Furniture:

All living room, dining room and bed room suites (sets or individual pieces).
Kitchen tables and chairs.
Studio couches and sofa beds.
Mattresses.
Bedsprings.

Furnishings:

Rugs and carpets, size 6 by 9 feet and larger.
Linoleum.
Felt base floor coverings.
Bed sheets and sheeting, cotton*.
Towels, cotton bathroom and kitchen*.
Blankets and comforts*.
House curtains*.
Bed spreads, cotton*.
Tablecloths and napkins, plain and print (cotton only)*.
Window shades.

HARDWARE, AGRICULTURAL SUPPLIES, MISCELLANEOUS²

Hayforks.

Garden and lawn rakes.

² Amendment No. 3 to Supplementary Regulation No. 1 excepted "citrus fruits and citrus juices hermetically sealed in containers of metal, glass or any other material" from the General Maximum Price Regulation.

² Vegetable seeds, bulk and packaged, revoked by Amendment No. 4, 7 F.R. 4339.

Dirt shovels.
Axes, single bit.
Claw hammers.
Handsaws.
Inside and outside house paints (ready mixed).
Fertilizer, bulk and packaged.
Insecticides.
Bicycles, adult sizes.
Bicycle tires.
Flashlights.

ICE, FUEL AND AUTOMOTIVE

Ice.
Coke.
Coal (hard and soft).
Charcoal.
Firewood.
Kerosene.
Fuel oil.
Gasoline.
Oil.
Tires and inner tubes.

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3847; Filed, March 11, 1943;
12:25 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Correction to Order 251¹ Under § 1499.3 (b)
of GMPR]

AMERICAN RAW HIDE PRODUCTS COMPANY

Order 251, issued January 29, 1943 and effective January 30, 1943 is corrected to cure inadvertent arithmetical errors in the figures for items numbers 3, 4, 5, 6, 9 and 10 under the sub-heading, Raw Hide Mallets of paragraph (a) of the order; the paragraph with respect to Raw Hide Mallets should read as set forth below:

§ 1499.1487 Establishment of maximum prices for raw hide hammer faces and mallets manufactured by American Raw Hide Products Company.
(a) * * *

RAW HIDE MALLETs

Item No.	Diameter	Length	Weight	Maximum prices
	Inches	Inches	Ounces	Each
0.....	1	2½	2	\$.5202
1.....	1½	3½	4	.6758
2.....	1½	3½	6	.7634
3.....	1½	3½	8	.8902
4.....	2	3½	10	1.0158
5.....	2½	4½	22	1.8512
6.....	2½	4½	24	1.8797
7.....	1½	3½	8	.6452
8.....	1½	3½	11	.7814
9.....	1½	3½	14	.8939
10.....	2	3½	18	1.0430
11.....	2½	4½	38	1.8556

This correction to Order No. 251 (§ 1499.1487) shall become effective March 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3842; Filed, March 11, 1943;
12:23 p. m.]

¹ 8 F.R. 1368.

PART 1499—COMMODITIES AND SERVICES
[Amendment 1 to Order 19 Under Supp. Reg.
15 of GMPR]

GUERIN SPECIAL MOTOR FREIGHT LINE, INC.

Amendment No. 1 to Order No. 19 Under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-1948.

An opinion accompanying this amendment has been issued simultaneously herewith with the Division of the Federal Register.*

An item in § 1499.1319 (a) (2) (ii) is amended as follows:

§ 1499.1319 Adjustment of maximum prices for contract carrier services by Guerin Special Motor Freight Line, Inc. of Philadelphia, Pennsylvania. (a) Guerin Special Motor Freight Line, Inc., 2210 North 26th Street, Philadelphia, Pennsylvania, hereinafter referred to as applicant, may charge as maximum rates for applicant's services as a contract carrier by motor vehicle the following charges:

(2) Interstate rates.

(ii) Rates on petroleum and petroleum products in containers, in truckload quantities, minimum weight 21,000 lbs., from Philadelphia, Pa.

to—

Baltimore, Md.----- 19

This Amendment No. 1 to Order No. 19 (§ 1499.1319) shall become effective March 12, 1943.

(Pub. Law No. 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3843; Filed, March 11, 1943;
12:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amendment 7]

MANUFACTURERS' MAXIMUM PRICES FOR
SPECIFIED BUILDING MATERIALS AND CON-
SUMERS' GOODS OTHER THAN APPAREL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (3) is added paragraph (a) of § 1499.161, as set forth below:

§ 1499.161 Applications for adjustment and petitions for amendment—(a) Applications for adjustment. * * *

(3) The Office of Price Administration, or any duly authorized officer, may by order adjust the maximum prices established by this regulation for any manufacturer in any case in which the manufacturer shows:

*Copies may be obtained from the Office of Price Administration.

(i) That he is the sole manufacturer of an essential commodity such as one, the production and sale of which is affirmatively permitted by regulations or orders issued by the War Production Board.

(ii) That the maximum prices established by this regulation do not permit the recovery of total costs, and

(iii) That the operations of the company are currently being conducted at a loss.

Adjustment in price may be made to an extent sufficient to enable the manufacturer to recover total costs on the article, together with a profit. In a proper case, the manufacturer may charge a price equal to the price requested in the application, provided that he has received a letter from the Office of Price Administration stating that his is a proper case. Such price shall be tentative and refunds shall be made to each purchaser in the event that the application is denied in whole or in part. Applications for adjustment under this paragraph shall be filed in accordance with Revised Procedural Regulation No. 1.

This amendment shall become effective March 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3846; Filed, March 11, 1943;
12:25 p. m.]

PART 1340—FUEL

[MPR 137,¹ Amendment 26]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.91 (g) is amended to read as follows:

(g) Puerto Rico. (1) In addition to the maximum price as determined by § 1340.91 (a) (1) and (2), sellers of gasoline at retail establishments in the Territory of Puerto Rico may charge from and after December 1, 1942, 3 cents per gallon inasmuch as the additional excise tax of 3 cents per gallon, which became effective on December 1, 1942, is not collectible, in addition to the maximum price, pursuant to § 1340.82 of this Maximum Price Regulation No. 137. This additional charge may not be collected from the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

(2) In addition to the maximum price as determined by § 1340.91 (a) (1) and (2) sellers of lubricating oil at retail

¹ 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938, 8948, 9335, 10684, 110008, 11112, 11075; 8 F.R. 231, 232, 1226, 1586, 1799, 2152, 2120, 2501, 2594.

establishments in the Territory of Puerto Rico may charge, from and after March 5, 1943, 3½ cents per gallon to cover the tax increase on lubricating oils imposed by Act No. 25 enacted by the Legislature of Puerto Rico, and approved December 4, 1942, except that the total amount charged on each lot shall be adjusted to the nearest cent.

This amendment shall become effective March 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3852; Filed, March 11, 1943;
3:57 p. m.]

PART 1340—FUEL

[RPS 88, Amendment 80]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.164, the headnote and paragraph (a) are amended to read, as set forth below:

§ 1340.164 *Taxes*—(a) *Lubricating oils*—(1) *Federal taxes*. Effective November 1, 1942, each seller subject to this Revised Price Schedule No. 88 may collect in addition to his maximum price for a lubricating oil subject to the Federal excise tax on lubricating oils, the amount of the increase in such tax provided by the Revenue Act of 1942 and subsequent increases therein, actually paid by him or an amount equal to the amount of such increase or increases paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, provided the seller states the amount of such increase or increases separately from the purchase price.

(2) *Puerto Rican taxes*. Effective March 5, 1943, each seller in the territory of Puerto Rico subject to this Revised Price Schedule No. 88 may collect in addition to his maximum price for a lubricating oil which is subject to Act No. 25 enacted by the Legislature of Puerto Rico and approved December 4, 1942, the amount of the 3½¢ per gallon increase in such tax effected by the said Act and the amount of subsequent increases in the lubricating oil tax actually paid by him or an amount equal to the amount of such increase or increases paid by any prior vendor and separately stated and collected from the seller by the vendor

from whom he purchased, provided the seller states the amount of such increase or increases separately from the purchase price.

This amendment shall become effective March 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3853; Filed, March 11, 1943;
3:57 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS.

[Rev. MPR 270, Amendment 2]

DRY EDIBLE BEANS, SALES EXCEPT AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 270 is amended in the following respects:

1. Section 1351.1202 is amended as follows:

§ 1351.1202 *Prohibition against sales above the maximum prices*. (a) On and after January 26, 1943 regardless of any contract or other obligation, no person shall sell or deliver dry edible beans at prices higher than the maximum prices established by this regulation, and no person shall buy or receive dry edible beans in the course of trade or business at prices higher than the maximum prices herein established. Lower prices than the maximum prices may be charged and paid.

(b) If any person sells or delivers seed beans, as defined in § 1351.1207 (c) of this regulation, for human consumption, his maximum price for such sales shall be the maximum price set forth in § 1351.1203 of this regulation.

2. Section 1207 (c) is amended to read as follows:

(c) *Sales and deliveries of seed beans*. When used in this section "seed beans" means dry beans which are sold and delivered for planting and which comply with the Federal Seed Act or State seed acts, especially with respect to labeling as to kind and variety, germination, date of germination, and if below Federal standard as set forth in the Federal Seed Act of 1939 plainly marked "below standard".

3. Section 1351.1210 (c) is amended to read as follows:

(c) Each seller of dry beans shall, in addition to the other records which he is required to keep by this regulation, keep for examination by the Office of Price Administration as long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales of seed beans, as defined in § 1351.1207 (c). Such record shall show

* 8 F.R. 1061, 2335.

the amount of seed beans sold, the sales price for each sale, the variety of beans sold, the date of sale and the name and address of the purchaser.

This amendment shall become effective March 11, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

Approved by:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-3850; Filed, March 11, 1943;
3:57 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11, Amendment 49]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (19) (ii) is amended to read as follows:

(ii) The states of Oregon and Washington designated in this Ration Order No. 11 as "Area A"; and

2. Section 1394.5001 (a) (19) (iii) is added to read as follows:

(iii) That part of the state of Idaho including the counties of Adah, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Elmore, Gem, Kootenai, Idaho, Latah, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington, designated in this Ration Order No. 11 as "Area B".

3. Section 1394.5001 (a) (31) is amended by changing the period after the word "Klickitat" to a semi-colon and adding after the semi-colon the phrase "and that part of the state of Idaho including the counties of Adah, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Elmore, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington."

4. Section 1394.5051 (b) is amended to read as follows:

(b) Sections 1394.5263 (b), 1394.5266 (b) (3), 1394.5310, 1394.5604, 1394.5653 (g), 1394.5707 (c) of this Ration Order shall not apply in "Area A" or "Area B".

5. Section 1394.5201 (b) (9) is added to read as follows:

(9) In Thermal Zone A in "Area B":

Coupons
numbered: Valid period
5.----- From March 14, 1943 to September 30, 1943, inclusive.

* 7 F.R. 8480, 8703, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2720 2887.

* Copies may be obtained from the Office of Price Administration.

17 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 5857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684, 11069, 11112, 11075; 8 F.R. 157, 232, 233, 357, 1227, 1220, 1457, 1312, 1318, 1642, 1799, 2023, 2105, 2267, 2119, 2152, 2334, 2349, 2273, 2350, 2501, 2594, 2756, 2874.

6. Section 1394.5252 (a) is amended to read as follows:

(a) Application for a ration for heat or hot water, or both, may be made to a Board, on or after October 22, 1942; in "Area A", on or after February 8, 1943; or in "Area B", on or after March 17, 1943. Application may be made either by the owner of the premises served by the equipment or by the person controlling the use of the equipment, or by the agent of either of them.

7. In § 1394.5253 (a) the phrase "except that in 'Area A'" is amended to read "except that in 'Area A' or in 'Area B'."

8. Section 1394.5257 (c) is amended to read as follows:

(c) The amount of fuel oil used during the base period for heating the premises shall be multiplied by the percentage specified in column 1 of Table I for the thermal sub-zone in which the premises are located; except that in "Area A", such amount of fuel oil shall be multiplied by the percentage specified in column 1 of Table IA, and in "Area B" by the percentage specified in column 1 of Table IB, for the county in which the premises are located. The product shall for the purposes of paragraph (a) of § 1394.5256, be deemed to be the amount of fuel oil consumed during the base period as adjusted for temperature variations from the norm.

9. Section 1394.5258 (a) (1) is amended to read as follows:

(1) The maximum and minimum number of gallons per square foot of floor area as shown in subcolumn (a) of column (2) of Table I for the thermal sub-zone in which the premises are located (in "Area A" the appropriate subcolumn of column (2) of Table IA, and in "Area B" the appropriate subcolumn of column (2) of Table IB, for the county in which the premises are located), if the application is made for the operation of central heating equipment; or

10. Section 1394.5258 (a) (2) is amended to read as follows:

(2) The maximum and minimum number of gallons per square foot of floor area, as shown in subcolumn (b) of column (2) of Table I for the thermal sub-zone in which the premises are located (in "Area A" the appropriate subcolumn of column (2) of Table IA, and in "Area B" the appropriate subcolumn of column (2) of Table IB, for the county in which the premises are located) if the application is made for a ration for the operation of space heaters, except that if application is made both for space and central heating equipment used for heating the same premises at different times, the maximum and minimum for both types of equipment shall be determined pursuant to the subcolumn entitled "Central Heating Equipment".

11. Section 1394.5262 (c) is amended to read as follows:

(c) The amount of fuel oil used during the base period for heat, or for both heat and hot water (as determined in accordance with paragraph (a) or (b)

of this section) shall be multiplied by the percentage specified in column 1 of Table I for the thermal sub-zone in which the premises are located (in "Area A" column 1 of Table IA, and in "Area B" column 1 of Table IB, for the county in which the premises are located). The product shall, for the purposes of paragraphs (a) and (b) of § 1394.5261, be deemed to be the amount of fuel oil consumed during the base period, adjusted for temperature variations from the norm.

12. Section 1394.5263 (c) is amended to read as follows:

(c) In "Area A", a percentage of the year's ration will be issued as follows: 42% in Zone A, 45% in Zone B, and 43% in Zone C; in "Area B", 20% of the year's ration will be issued.

13. The text of § 1394.5266 (a) is amended to read as follows:

(a) If an application is made on or after November 1, 1942, or on or after March 16, 1943 in "Area A", or on or after April 13, 1943 in "Area B", for heat or both heat and hot water, the allowable ration shall be determined in accordance with § 1394.5256, 1394.5261, or 1394.5270, whichever is applicable. One-fifth of the allowable ration shall be deemed allocable to each thermal period specified in paragraph (c) of this section. The Board shall deduct from the allowable ration:

14. Section 1394.5266 (a) (2) is amended by inserting after the phrase "Area A" the phrase "or in 'Area B'."

15. Section 1394.5266 (c) (8) is added to read as follows:

(8) In Thermal Zone A in "Area B":
Thermal Period No. 5... From March 14, 1943,
to September 30, 1943
inclusive.

16. Section 1394.5267 is amended to read as follows:

§ 1394.5267 *Same: Late applications for hot water only.* If application for a ration for hot water (but not for heat) in premises other than private dwellings is made on or after November 1, 1942, or on or after March 16, 1943 in "Area A", or on or after April 13, 1943 in "Area B", the allowable ration shall be determined in the manner provided in paragraph (b) of § 1394.5261. The Board shall deduct from the allowable ration the part thereof corresponding to the part of the heating year which has elapsed between October 1 and date of application, in "Area A" the part which has elapsed between February 1, 1943 and the date of application, and in "Area B" the part which has elapsed between March 14, 1943 and the date of application. The Board shall issue Class 3 coupon sheets containing coupons equal in gallonage value to the allowable ration (after the deduction hereinabove required) less the amount of fuel oil on hand for the operation of such equipment on the date of application.

17. Section 1394.5268 (b) is amended to read as follows:

(b) The allowable ration for the operation of such equipment shall, in such

case, be the amount of fuel oil needed for such purpose for the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, for the three (3) month period beginning October 1, 1942; or in "Area A", in the case of an application made prior to March 16, 1943, for the three (3) month period beginning February 1, 1943; or in "Area B", in the case of an application made prior to April 13, 1943, for the three (3) month period beginning March 14, 1943.

18. Section 1394.5269 (b) is amended to read as follows:

(b) Application for a ration for such purpose shall be made to a Board, on or after October 22, 1942, or in "Area A", on and after February 8, 1943, or in "Area B", on or after March 17, 1943, on Form OPA R-1102, by the owner or by the person controlling the use of the equipment, or by the agent of either of them. The applicant shall supply the information required by the form.

19. Section 1394.5269 (e) is amended to read as follows: (e) If application is made on or after November 1, 1942, for a ration for heat or both heat and hot water, the Board shall make the deductions from the allowable ration required by paragraph (a) of § 1394.5266 and shall issue coupons in accordance with the provisions of paragraph (b) of that Section. If such application is made on or after March 16, 1943, in "Area A", or on or after April 13, 1943, in "Area B", the Board shall refer to Table IIA for the allowable ration for such applicants.

20. Section 1394.5269 (f) is amended to read as follows:

(f) If application is made on or after November 1, 1942, or in "Area A", on or after March 16, 1943, or in "Area B", on or after April 13, 1943, for a ration for hot water only, the Board shall make the deductions from the allowable ration required by, and shall issue coupons in accordance with, the provisions of § 1394.5267.

21. Section 1394.5302 (a) is amended by inserting after the phrase "on or after March 2, 1943" the phrase "or in 'Area B' on or after April 13, 1943."

22. Section 1394.5352 (a) is amended by inserting after the phrase "February 8, 1943" the phrase "or in 'Area B', on or after March 17, 1943."

23. Section 1394.5401 (b) is amended by inserting after the phrase "February 8, 1943", the phrase "and in 'Area B' on or after March 17, 1943;"

24. Section 1394.5402 (b) is amended by inserting after the phrase "February 8, 1943" the phrase "and in 'Area B' on or after March 17, 1943;"

25. Section 1394.5403 (b) is amended by inserting after the phrase "February 8, 1943" the phrase "or in 'Area B' on or after March 17, 1943;"

26. Section 1394.5403 (c) is amended by inserting after the phrase "February 1, 1943" the phrase "or in 'Area B' where

application is made prior to April 13, 1943, during the three (3) month period beginning March 14, 1943".

27. Section 1394.5451 (e) is added to read as follows:

(e) March 14, 1943, in the case of an application made prior to April 13, 1943, in "Area B", or the date of application, in the case of an application made on or after April 13, 1943 in "Area B".

28. In Section 1394.5452 (a) the phrase "March 16, 1943" is amended to read "March 16, 1943; and in "Area B", March 17, 1943, in the case of an application made prior to April 13, 1943".

29. Section 1394.5459 (c) is amended by inserting after the phrase "March 2, 1943" the phrase "or in "Area B" on or after April 13, 1943".

30. Section 1394.5603 (c) is amended by deleting the period after the phrase "Area A" and inserting a comma followed by the phrase "or prior to April 13, 1943 in "Area B".

31. Section 1394.5651 is amended by inserting after the phrase "February 9, 1943" the phrase "and in "Area B" on and after March 14, 1943".

32. Section 1394.5652 (a) is amended by inserting after the phrase "March 16, 1943" the phrase "and in "Area B" on and after April 13, 1943".

33. Section 1394.5653 (f) is amended by inserting after the phrase "March 15, 1943 inclusive", the phrase "or in "Area B" from March 14, 1943 to April 12, 1943, inclusive".

34. Section 1394.5653 (f) (1) is amended by substituting a comma for the period after the phrase "February 18, 1943", and adding after the comma the phrase "and in "Area B" the provisions of this subparagraph (1) shall not be applicable prior to March 17, 1943".

35. In Section 1394.5653 (f) (4), the parenthetical phrase "(or in "Area A" on March 30 or 31, 1943)" is deleted, and there is inserted before the phrase "The applicant shall state" the sentence "In "Area A" such application shall be made on March 30 or 31, 1943, and in "Area B" on April 27 or 28, 1943".

36. Section 1394.5661 is amended by inserting after the phrase "Area A" the phrase "or on and after March 14, 1943 in "Area B".

37. Section 1394.5663 (a) is amended by inserting after the phrase "Area A" the phrase "or on and after March 14, 1943 in "Area B".

38. Section 1394.5701 (a) is amended by inserting after the phrase "(or if he becomes a primary supplier after February 13, 1943, within five (5) days after becoming a primary supplier)" the phrase "or in "Area B" on March 15 or 16, 1943 (or if he becomes a primary supplier after March 16, 1943, within five (5) days after becoming a primary supplier)".

39. Section 1394.5701 (a) (2) is amended to read as follows:

(2) His total fuel oil storage capacity and his total inventory of fuel oil on hand as of 12:01 a. m. on October 1, 1942,

or in "Area A" as of 12:01 a. m. on February 1, 1943, or in "Area B" as of 12:01 a. m. on March 14, 1943. If he has become a primary supplier since October 1, 1942, or in "Area A" since February 1, 1943, or in "Area B" since March 14, 1943, at the time he became a primary supplier.

40. The text of § 1394.5701 (b) is amended by inserting after the phrase "February 12 or 13, 1943" the phrase "or in "Area B" on March 15 or 16, 1943".

41. Section 1394.5701 (b) (3) is amended by substituting a comma for the period at the end of the subparagraph and adding after the comma the phrase "and in "Area B" as of 12:01 a. m. on March 14, 1943".

42. Section 1394.5701 (d) (2) is amended by substituting a comma for the period at the end of the subparagraph and adding after the comma the phrase "and in "Area B" as of 12:01 a. m. on March 14, 1943".

43. Section 1394.5702 is amended to read as follows:

§ 1394.5702 *What constitutes fuel oil on hand.* The registrant shall register all fuel oil on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, mobile containers, or other containers (but not fuel oil in the fuel supply tank of oil burning equipment). The registrant shall not register fuel oil in transit which did not arrive at his place of business prior to 12:01 a. m. on October 1, 1942 (prior to 12:01 a. m. on February 1, 1943 in "Area A" or prior to 12:01 a. m. on March 14, 1943 in "Area B"). Fuel oil shipped prior to 12:01 a. m. on October 1, 1942 but received by the transferee after 12:01 a. m. on such day, shall be included in the inventory of the transferor and shall be deemed to have been transferred after 12:01 a. m. on October 1, 1942. In "Area A" fuel oil shipped prior to 12:01 a. m. on February 1, 1943 but received by the transferee after 12:01 a. m. on such day, shall be included in the inventory of the transferor and shall be deemed to have been transferred after 12:01 a. m. on February 1, 1943, and in "Area B" fuel oil shipped prior to 12:01 a. m. on March 14, 1943 but received by the transferee after 12:01 a. m. on such day, shall be included in the inventory of the transferor and shall be deemed to have been transferred after 12:01 a. m. on March 14, 1943.

44. Section 1394.5703 is amended by inserting after the phrase "Area A" the phrase "or as of 12:01 a. m. on March 14, 1943 in "Area B".

45. Section 1394.5807 (a) is amended by inserting after the phrase "Area A" the phrase "or on and after March 14, 1943 in "Area B".

46. Section 1394.5707 (b) is amended by inserting after the phrase "March 15, 1943, inclusive" the phrase "and in "Area B" during the period from March 14, 1943 to April 12, 1943, inclusive".

47. Section 1394.5707 (b) (1) is amended by substituting a comma for the period at the end of the subparagraph and adding after the comma the phrase "and in "Area B" prior to March 17, 1943".

48. In § 1394.5707 (b) (3), the phrase "or in "Area A" on or before April 5, 1943" is deleted and there is inserted after the period at the end of the subparagraph the sentence "In "Area A" such surrender shall be made on or before April 5, 1943, and in "Area B" on or before May 3, 1943".

49. In § 1394.5707 (b) (4), the phrase "or in "Area A" on April 8, 1943" is deleted and there is inserted before the phrase "The applicant shall state" the sentence "In "Area A" such application shall be made on April 8, 1943, and in "Area B" on May 6, 1943".

50. In § 1394.5707 (b) (7), the phrase "and in "Area A" on or before April 12, 1943" is deleted and there is inserted after the period at the end of the subparagraph the sentence "In "Area A" such surrender shall be made on or before April 12, 1943, and in "Area B" on or before May 10, 1943".

51. In § 1394.5707 (b) (8), the phrase "and in "Area A" on April 15, 1943" is deleted and there is inserted before the phrase "The applicant shall state" the sentence "In "Area A" such application shall be made on April 15, 1943, and in "Area B" on May 13, 1943".

52. Section 1394.5711 is amended by inserting after the phrase "February 1, 1943" the phrase "and in "Area B" on and after March 14, 1943".

53. Section 1394.5731 (a) is amended by inserting after the phrase "the twenty-fifth day of March 1943" the phrase "and in "Area B" commencing with the twenty-fifth day of May, 1943".

54. Section 1394.5851 (a) (2) is added to read as follows:

(2) *Table IB. Percentage adjustment to obtain normal consumption and maximum and minimum rations per square foot of heated floor area by State and counties.*

State and county	(1) Percentage of 1941-42 consumption to obtain normal consumption	(2) Maximum and minimum rations per square foot of heated floor area			
		Central heating equipment		Space heating equipment	
		Maximum	Minimum	Maximum	Minimum
<i>Idaho</i>					
Ada.....	90	.982	.753	1.179	.904
Adams.....	97	1.518	1.164	1.821	1.397
Benewah.....	100	1.161	.890	1.393	1.068
Boise.....	95	1.339	1.027	1.607	1.233
Bonner.....	104	1.339	1.027	1.607	1.233
Boundary.....	104	1.339	1.027	1.607	1.233
Canyon.....	97	1.071	.822	1.286	.986
Clearwater.....	97	1.071	.822	1.286	.986
Elmore.....	97	1.161	.890	1.393	1.068
Gem.....	95	.982	.753	1.179	.904
Idaho.....	97	1.250	.959	1.500	1.151
Kootenai.....	97	1.250	.959	1.500	1.151
Latah.....	100	1.250	.959	1.500	1.151
Lewis.....	97	1.339	1.027	1.607	1.233
Nez Perce.....	95	.893	.685	1.071	.822
Owyhee.....	97	1.071	.822	1.286	.986
Payette.....	95	1.071	.822	1.286	.986
Shoshone.....	100	1.339	1.027	1.607	1.233
Valley.....	97	1.607	1.233	1.929	1.479
Washington.....	100	1.250	.959	1.500	1.151

This amendment shall become effective on March 14, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive 1-0, as amended, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3851; Filed, March 11, 1943;
3:57 p. m.]

Chapter XIII—Petroleum Administration for War

PART 1545—PETROLEUM SUPPLY

[Amendment 2 to PAO 1, as Amended Feb. 1, 1943]

Section 1545.1, Petroleum Administrative Order No. 1, as amended February 1, 1943, is hereby amended by eliminating Schedule A (as set forth in Amendment 1 to Petroleum Administrative Order No. 1, as amended February 1, 1943, which Amendment 1 was issued on March 4, 1943).

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of March, 1943.

R. K. DAVIES,
Deputy Petroleum Administrator
for War.

[F. R. Doc. 43-3890; Filed, March 12, 1943;
12:13 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Food Distribution Administration

PART 904—MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

ORDER REGULATING HANDLING OF MILK

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

- Sec.
904.1 Findings and determinations.
904.2 Order relating to handling.
904.3 Definitions.
904.4 Market administrator.
904.5 Classification of milk.
904.6 Minimum class prices.
904.7 Reports of handlers.
904.8 Application of provisions.

16 F.R. 1470, 2783.

No. 51—5

- Sec.
904.9 Minimum blended prices to producers.
904.10 Payments for milk.
904.11 Payments to cooperative associations.
904.12 Expense of administration.
904.13 Effective time, suspension, or termination.
904.14 Agents.

AUTHORITY: §§ 904.1 to 904.14, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.

§ 904.1 Findings and determinations—
(a) Findings upon the basis of hearing record. Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR. 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) Prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amended order, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(2) This amended order regulates the handling of milk in the same manner as and is applicable only to handlers, defined in a marketing agreement, as amended, upon which a hearing has been held; and

(3) The issuance of this amended order, and all of the terms and conditions thereof tend to effectuate the declared policy of the act.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

(b) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said amended order, which is marketed within the Greater Boston, Massachusetts, marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Greater Boston,

Massachusetts, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amended order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Greater Boston, Massachusetts, marketing area; and

(3) The issuance of this amended order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order and who, during the determined representative period, were engaged in the production of milk for sale in said Greater Boston, Massachusetts, marketing area.

§ 904.2 Order relating to handling. It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of this amended order.

PROVISIONS

§ 904.3 Definitions—(a) Terms. As used herein the following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(3) The term "Greater Boston, Massachusetts, marketing area," hereinafter called the "marketing area," means the territory included within the boundary lines of the cities and towns of Arlington, Belmont, Beverly, Boston, Braintree, Brookline, Cambridge, Chelsea, Dedham, Everett, Lexington, Lynn, Malden, Marblehead, Medford, Melrose, Milton, Nahant, Needham, Newton, Peabody, Quincy, Reading, Revere, Salem, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weymouth, Winchester, Winthrop, and Woburn, Massachusetts.

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person who, in conformity with the health regulations which are applicable to milk which is sold for consumption as milk in the marketing area, produces milk and distributes or delivers to a handler milk of his own production.

(6) The term "handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of

milk which is sold as milk or cream in the marketing area as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in milk and its products.

(7) The term "producer-handler" means any handler who is also a producer and who receives no milk from other producers and who either:

(i) Has milk receipts from his own production which he does not dispose of in bulk and which average less than 1,000 pounds daily, or

(ii) Processes and packages his milk at a plant located on a farm from which he receives at least 25 percent of the total receipts from his own production which he does not dispose of in bulk.

(8) The term "market administrator" means the person designated pursuant to § 904.4 as the agency for the administration hereof.

(9) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing period from the first to and including the last day of each month.

§ 904.4 *Market administrator*—(a) *Selection, removal, and bond* The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation*. The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

(c) *Powers*. The market administrator shall have power:

(1) To administer the terms and provisions hereof;

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(3) To prepare and disseminate for benefit of producers, consumers, and handlers such statistics and information concerning the operation of this order as do not reveal confidential information.

(d) *Duties*. The market administrator, in addition to the duties herein-after described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon

which he is required to perform such acts, has not (i) made reports pursuant to § 904.7 or (ii) made payments pursuant to § 904.10;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(7) Pay, out of the funds provided by § 904.12, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Responsibility*. The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler, or to any other person, for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

§ 904.5 *Classification of milk*—(a) *Basis of classification*. All milk received by a handler from producers or from his own production shall be classified in the classes set forth in (b) of this section in accordance with its utilization by him: *Provided*, That, subject to (c) of this section, if milk, including skim milk, is moved to the plant of another person who distributes milk or manufactures milk products, classification of such milk may be in accordance with its utilization by such second person. Any utilization of milk claimed by a handler shall be subject to verification by the market administrator.

(b) *Classes of utilization*. The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk the utilization of which is established:

(i) As being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more but less than 16 percent of butterfat; and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) As plant shrinkage not in excess of 2 percent of the volume handled.

(c) *Disposition of milk to other markets*. (1) Milk received by a handler at one of his plants not subject to the provisions hereof from persons reported by him as under contract to have their milk received and paid for as part of his supply for the marketing area shall be considered as received from producers and classified as Class I milk.

(2) Milk or skim milk disposed of by a handler to any plant not subject to the provisions hereof shall be classified as Class I milk, not to exceed the total quantity of Class I milk or skim milk at such plant.

(d) *Responsibility of handlers in establishing the classification of milk*. In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers

to account for the milk and to prove that such milk should not be classified as Class I milk.

§ 904.6 *Minimum class prices*—(a) *Class I prices*. Each handler shall pay producers, in the manner set forth in § 904.10, for Class I milk delivered by them, not less than the following prices:

(1) For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph.

92-score butter, wholesale, at New York, average of quotations of the U. S. Department of Agriculture for 30 days immediately preceding the 25th day of each month (cents per pound).	Class I price for the delivery period following the 25th day of each month
	Dollars per hundredweight
Under 40.....	3.64
40 or over, but under 45.....	3.87
45 or over.....	4.10

(2) For milk delivered from producers' farms to such handler's plant located more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be the price effective pursuant to (1) of this paragraph minus the amount set forth in (c) of this section for the railroad freight mileage zone for the distance from the railroad shipping point for such handler's plant to such handler's railroad delivery point in the marketing area, or, if the handler has no plant in the marketing area, for the distance to Boston.

(3) For the purpose of this paragraph, the milk which was sold or distributed during each delivery period by each handler as Class I milk shall be considered to have been first, that milk which was received from producers' farms at such handler's plant located not more than 40 miles from the State House in Boston; then, that milk which was received pursuant to § 904.8 (b) at such handler's plant located not more than 40 miles from the State House in Boston; and then, that milk which was shipped from the nearest plant located more than 40 miles from the State House in Boston, including milk received at such plant pursuant to § 904.8 (b).

(b) *Class II prices*. Each handler shall pay producers, in the manner set forth in § 904.10, for Class II milk delivered by them not less than the following prices per hundredweight:

(1) In the case of milk delivered to a handler's plant located not more than 40 miles from the State House in Boston, the price calculated pursuant to (2) of this paragraph for the 201-250 freight mileage zone plus 29 cents.

(2) Except as provided in (3) of this paragraph, in the case of milk delivered to a handler's plant located more than 40 miles from the State House in Boston, a price which the market administrator shall calculate by combining in one sum such of the following computations as apply:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply this result by 3.7; and subtract the amount set forth in (c) of this section for the railroad freight mileage zone of the distance from the railroad shipping point for such handler's plant to Boston.

(ii) For any delivery period for which no cream price as described in (i) of this subparagraph is reported, multiply the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4; multiply this result by 3.7; and subtract the amount set forth in (c) of this section for the railroad freight mileage zone of the distance from the railroad shipping point for such handler's plant to Boston.

(iii) For all delivery periods, except April, May, and June, compute any plus amount for skim value which results from the following: from the average of all the dry skim milk powder quotations for carlots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation) published during such delivery period by the United States Department of Agriculture for New York City, subtract 4 cents; and multiply this result by 7.5.

(iv) For the April, May, and June delivery periods, compute any plus amount for skim value which results from the average of the skim value computed pursuant to (iii) of this subparagraph and a value obtained as follows: compute the average of all quotations (using midpoint of any range as one quotation) published during the delivery period in the *Oil, Paint, and Drug Reporter*, for domestic 20-30 mesh casein in bags in carlots at New York, subtract 6.6 cents and multiply this result by 2.2; except that if either computation results in a minus amount, the other shall be used in lieu of the average.

(3) In the case of milk, other than route returns, made into butter during the delivery periods from April to September inclusive of each year, at a handler's own plant located more than 40 miles from the State House in Boston, the minimum price shall be computed by the market administrator as follows: from the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the New York market deduct 5 cents, add 20 percent, and multiply by 3.7: *Provided*, That any plus amount shall be added which results from the skim value as computed in (2) of this paragraph.

(c) *Combined plant handling and transportation differentials.* Differentials provided pursuant to (a) and (b) of this section and pursuant to § 904.10 (e) shall be as set forth in the following table: *Provided*, That in case the rail tariff for the transportation of milk in carlots in tank cars, as published in the

New England joint tariff, M-3, is increased or decreased, the differentials set forth in column B shall be adjusted correspondingly to the nearest one-half cent per hundredweight of such change, effective the first complete delivery period in which such change applies.

A Freight zone (miles)	B Class I (cents per cwt.)	C Class II (cents per cwt.)
41-50	31.5	22.0
51-60	32.6	22.0
61-70	33.0	22.0
71-80	34.0	22.0
81-90	34.5	22.0
91-100	35.0	22.0
101-110	35.0	25.5
111-120	35.0	25.5
121-130	35.0	25.5
131-140	36.0	25.5
141-150	37.5	25.5
151-160	39.0	26.5
161-170	39.0	26.5
171-180	41.0	26.5
181-190	41.0	26.5
191-200	42.0	26.5
201-210	42.0	27.0
211-220	45.0	27.0
221-230	45.5	27.0
231-240	46.0	27.0
241-250	46.0	27.0
251-260	47.0	27.5
261-270	47.5	27.5
271-280	48.0	27.5
281-290	48.0	27.5
291-300	49.0	27.5

(d) *Announcement of Class II prices.* On or before the 5th day after the end of each delivery period, the market administrator shall publicly announce the Class II prices in effect for such delivery period.

§ 904.7 *Reports of handlers—(a) Periodic reports.* On or before the 8th day after the end of each delivery period each handler who receives milk from producers shall, with respect to milk or cream which was received by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers, including the quantity, if any, received from his own production.

(2) The receipts at each plant from any other handler, including any handler who is also a producer.

(3) Receipts at each plant pursuant to § 904.8 (b).

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers, classified pursuant to § 904.5.

(b) *Reports of handlers who receive no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the market administrator's files, and with respect to a period or periods of time designated by the market administrator: (i) the name, post office address, and farm location, (ii) the total

pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days upon which the deliveries were made;

(2) Within 10 days after any producer begins or resumes milk deliveries: (i) the name, post office address, and farm location of such producer, (ii) the date upon which such producer began or resumed milk deliveries, (iii) the plant at which such producer delivered milk, and (iv) the plant, if known, at which such producer delivered milk immediately prior to the beginning of delivery to such handler;

(3) Within 5 days after any producer has failed to make deliveries for 5 consecutive days: (i) the name, post office address, and farm location of such producer, (ii) the date upon which milk was last received, (iii) the plant at which such producer delivered milk, and (iv) the reason, if known, for such failure to deliver;

(4) Within 10 days after any producer moves from one farm to another: (i) the name, post office address, and location of the respective farms operated by such producer, and (ii) the date upon which milk was first received from the new location; and

(5) On or before the 8th day after the end of each delivery period each handler shall report the names of any persons whose milk he is reporting pursuant to §§ 904.5 (c) and 904.8 (b) and include a certification that these persons have contracts as specified therein.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the delivery period, his producer pay roll for such delivery period, which shall show for each producer: (i) the daily and total pounds of milk delivered with the average butterfat test thereof and (ii) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from handlers who receive no milk from producers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

(f) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required hereunder or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in reports submitted in accordance with this section;

(2) Weigh, sample, and test milk and milk products; and

(3) Make such examination of operations, equipment, and facilities as the market administrator deems necessary.

§ 904.8 *Application of provisions—(a) Handlers who receive no milk from producers.* The provisions hereof, except

as set forth in § 904.7, shall not apply to a producer-handler nor to a handler whose sole source of milk supply consists of receipts from other handlers.

(b) *Producers for other markets.* Milk received from producers, who are reported by a handler as under contract to have their milk received and paid for as part of that handler's supply for a market other than the marketing area, shall be reported under a separate category, and the provisions of § 904.10 and § 904.11 shall not apply except that such handler shall make payment as provided in § 904.10 (h) and (i).

(c) *Milk received from producer-handlers.* Milk of a producer-handler's own production which is delivered in bulk to another handler shall be considered as being delivered by a producer unless the receiving handler is also a producer-handler.

(d) *Handlers with less than 10 percent of the total receipts as Class I in the marketing area.* In the case of a handler, other than a cooperative association qualified pursuant to § 904.11 (a), who sells or distributes as Class I milk in the marketing area less than 10 percent of his total receipts of milk, the provisions hereof shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(2) The handler shall, with respect to that quantity of milk received from producers and actually sold or distributed as Class I milk in the marketing area, make payments as provided for in § 904.10 (g) and (i), and § 904.12.

(e) *Milk subject to the New York order.* The provisions hereof shall not apply to the handling of milk received at any handler's plant which is subject to the provisions of the order regulating the handling of milk in the New York metropolitan marketing area (Order No. 27), issued by the Secretary effective as of September 1, 1938, as amended, or of any order superseding or amending such order.

§ 904.9 *Minimum blended prices to producers—(a) Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 904.8, the value of milk sold, distributed, or used by each handler, exclusive of milk received from other handlers, or pursuant to § 904.8 (b), in the following manner:

(1) Multiply the quantity of milk in each class by the price applicable pursuant to (a) and (b) of § 904.6; and

(2) Add together the resulting value of each class.

(b) *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each delivery period in the following manner:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section,

for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such delivery period, the report for such delivery period and the payments required pursuant to (b) (2), (g), and (h) of § 904.10 for milk received during each delivery period since the effective date of the most recent amendment hereof;

(2) Add the total amount of payments required from handlers pursuant to (g) and (h) of § 904.10;

(3) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the delivery period from payments made to the market administrator by handlers pursuant to § 904.10;

(4) Add the total net amount of the differentials applicable pursuant to § 904.10 (e).

(5) Divide by the total quantity of milk which is included in these computations, except the quantity of milk included in the computation pursuant to § 904.10 (g) and the quantity of milk received pursuant to § 904.8 (b); and

(6) Subtract not less than $5\frac{1}{2}$ cents nor more than $6\frac{1}{2}$ cents for the purpose of retaining a cash balance in connection with the payments and reserves set forth in § 904.10 and § 904.11. This result shall be known as the basic blended price for milk containing 3.7 percent butterfat.

(c) *Announcement of prices.* On the 12th day after the end of each delivery period the market administrator shall mail to all handlers who received milk from producers and shall publicly announce:

(1) Such of these computations as do not disclose information confidential pursuant to the act;

(2) The zone blended price per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to (e) of § 904.10; and

(3) The names of the handlers who received milk from producers, designating those whose milk is not included in the computations.

§ 904.10 *Payments for milk—(a) Advance payments.* On or before the 10th day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. In no event shall such advance payment be at a rate less than the Class II price for such delivery period.

(b) *Final payments.* On or before the 25th day after the end of each delivery period, each handler shall make payment for the total value of milk received during such delivery period as required to be computed pursuant to § 904.9 (a), as follows:

(1) To each producer at not less than the basic blended price per hundredweight, subject to the differentials set forth in (d) and (e) of this section, for the quantity of milk delivered by such producer; and

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each delivery period, or receiving from the market administrator, on or before the 25th day

after the end of each delivery period, as the case may be, the amount by which the payments required to be made pursuant to (1) of this paragraph are less than or exceed the value of milk as required to be computed for such handler pursuant to § 904.9 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of such delivery period.

(c) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to (b) (2) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of a less amount than is required by this section, the handler shall make up such payment to the producer not later than the time of making final payment for the period in which such error is disclosed.

(d) *Butterfat differential.* Each handler shall, in making the payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1.5 cents and divide the result by 10; *Provided*, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4 subtract 1.5 cents, and divide the result by 10.

(e) *Location differentials.* The payments to be made to producers by handlers pursuant to (b) (1) of this section shall be subject to differentials as follows:

(1) With respect to milk delivered by a producer to a handler's plant located more than 40 miles from the State House in Boston, there shall be deducted, per hundredweight, 13 cents less than the amount set forth in column B of the table in (c) of § 904.6 for the railroad freight mileage zone for the distance from the railroad shipping point from such handler's plant to Boston.

(2) With respect to milk delivered by a producer to a handler's plant located not more than 40 miles from the State

House in Boston there shall be added 13 cents per hundredweight.

(3) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the highest Class I price in effect pursuant to (1) of § 904.6 (a), in which event there shall be added an amount which will give as a result such price.

(4) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston or whose farm is located in Barnstable or Plymouth Counties, Massachusetts, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the highest Class I price in effect pursuant to (1) of § 904.6 (a), in which event there shall be added an amount which will give as a result such price.

(f) *Other differentials.* In making the payments to producers set forth in (b) (1) of this section, handlers may make deductions as follows:

(1) With respect to milk delivered by producers to a plant which is located outside the marketing area and more than 14 miles but not more than 40 miles from the State House in Boston, 10 cents per hundredweight.

(2) With respect to milk delivered by producers to a plant located more than 40 miles from the State House in Boston, at which plant the average daily receipts of milk from producers are: (i) less than 17,000 but greater than 8,500 pounds, 4 cents per hundredweight and (ii) 8,500 pounds or less, 8 cents per hundredweight.

(g) *Payments by handlers with less than 10 percent of total receipts as Class I in the marketing area.* Handlers subject to § 904.8 (d) shall pay to producers through the market administrator, on or before the 23d day after the end of the delivery period, the value determined by multiplying the quantity of Class I milk disposed of in the marketing area by the difference between the prices applicable pursuant to § 904.6 (a) and the prices applicable pursuant to (1) and (2) of § 904.6 (b).

(h) *Payments for milk received from producers for other markets.* On or before the 23d day after the end of each delivery period, handlers who received milk pursuant to § 904.8 (b) shall pay to producers through the market administrator the value determined by multiplying the quantities of such milk in each class by the prices applicable pursuant to § 904.6 and subtracting the value of such milk at the Class II prices in effect for the plants at which such milk is received.

(i) *Adjustment of overdue accounts.* Any balance due pursuant to this section to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

(j) *Statements to producers.* In making the payments to producers prescribed by (b) (1) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of (b), (d), and (e) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under (f) of this section and § 904.11 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 904.11 *Payments to cooperative associations—(a) Eligibility of cooperative associations.* Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and of the Capper-Volstead Act, as amended, as to character of organization, voting requirements, dividend payments, dealing in products of nonmembers; to be operating as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members; to be systematically checking the weights and tests of milk delivered by its members to plants other than those which may be operated by itself; to guarantee payments to its producers; to be maintaining, either individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and providing information to its members with whom close working relationships are constantly maintained; to be collaborating with other similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers; and to be complying with all provisions of this order applicable to such cooperative association, shall be entitled to receive payments in the amount and under the conditions herein specified from the date of qualification, as fixed by the Secretary, until it has been found by the Secretary, after notice and opportunity for a hearing, that it has failed to continue to meet any condition or to maintain and exercise the authority or to perform any of the functions required by this section for the receipt of use or such payments. Any such cooperative association shall be eligible for payment, as follows:

(1) At not more than the rate of 1.5 cents per hundredweight of milk marketed by it on behalf of its members in

conformity with the provision hereof, the value of which is determined pursuant to § 904.9 (a), and with respect to which a handler has made payments as required by § 904.10 (b) (2) and § 904.12: *Provided*, That the amount paid with respect to milk received at a plant not operated by the cooperative association shall not exceed the amount which handlers are obligated to deduct from payments to members pursuant to (f) of this section. Such monies paid to such a cooperative association are not to be used in paying patronage dividends or other payments to members with respect to milk delivered except in fulfilling the guarantee of payments to producers. In cases where two or more of such cooperative associations participate in the marketing of the same milk, payment under this paragraph shall be available only to the association which the individual producer has made his exclusive agent in the marketing of such milk.

(2) At the rate of 5 cents per hundredweight as provided in (b) of this section on milk received from producers at a plant operated under the exclusive control of member producers or member associations for which it accounts to the market administrator pursuant to § 904.10 (b) (2) and which is sold as Class I to proprietary handlers, except stores, handlers in which the cooperative or any of its members or affiliated associations or any other qualified association has any ownership or control, or a handler with which the cooperative has such sales arrangements that its milk not sold as Class I milk to such handler is not available for sale as Class I milk to other handlers.

(b) *Computation of amount of payment at 5 cents per hundredweight.* The amount due a cooperative association for each delivery period pursuant to (a) (2) of this section shall be computed by the market administrator as follows:

(1) Determine the quantity of Class I milk which is sold to proprietary handlers;

(2) Subtract the quantity of such milk which is not eligible for payment under the provisions of (a) (2) of this section;

(3) Subtract the quantity of milk received by the association other than milk received from producers at plants operated under the exclusive control of member producers or member associations; and

(4) Multiply by 5 cents per hundredweight.

(c) *Payment to qualified cooperative associations.* The market administrator shall, upon notice of the filing of an application, set aside each pay period from the cash balance created pursuant to § 904.9 (b) (6) such sum as he estimates is ample to make payments to the applicant and hold it in reserve until the Secretary has ruled upon said application and shall, upon claim, in form as prescribed by him, received at his office not later than the 10th day of the second month subsequent to the delivery period to which the claim applies or in which the Secretary's ruling is made, make payment for which a cooperative

association is eligible pursuant to (a) of this section or issue credit therefor out of the said cash balance subject to verification of the receipts and other items on which the amount of such payment is based.

(d) *Reports.* Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to the use of such payments and the performance of any service or function set forth as the basis for such payment and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(e) *Suspension.* The market administrator shall suspend payments upon request by the Secretary or such officer of the Department of Agriculture as he may designate by giving written notice to such association whenever there is reason to believe that a beneficiary of such payments is no longer qualified. Such suspended payments shall be segregated and held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the cooperative and either ordered the suspended payment to be paid to it in whole or in part or has disqualified such cooperative, in which event the balance of payments held in reserve shall be added to the cash balance, created pursuant to § 904.9 (b) (6).

(f) *Authorized member deductions.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and which is qualified to receive payments pursuant to this section, each handler shall make such deductions from the payments to be made to such producers pursuant to § 904.10 as may be authorized by such producers and, on or before the 25th day after the end of each delivery period, pay over such deductions to the association in whose favor such authorizations were made.

§ 904.12 *Expense of administration—*
(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, except as set forth in § 904.8 (a), shall, on or before the 23d day after the end of each delivery period, pay to the market administrator a sum not exceeding 2.5 cents per hundredweight with respect to all milk received by him during such delivery period from producers and from his own production, the exact sum to be determined by the market administrator subject to review by the Secretary.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.

§ 904.13 *Effective time, suspension, or termination—*(a) *Effective time.* The provisions hereof or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended

or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.14 *Agents.* (a) The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 11th day of March 1943, to be effective on and after the 15th day of March 1943. Wit-

ness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved: March 11, 1943.

JAMES F. BYRNES,
Director of Economic
Stabilization.

[F. R. Doc. 43-3883; Filed, March 12, 1943;
11:32 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER OF REGULATING HANDLING OF MILK

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

Sec.	
934.1	Findings and determination.
934.2	Order relating to handling.
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934.5	Classification of milk.
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934.7	Reports of handlers.
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934.12	Expense of administration.
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934.14	Agents.

AUTHORITY: §§ 934.1 to 934.14 inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. 1940 et seq.

§ 934.1 *Findings and determinations—*(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR. 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to secs. 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the avail-

able supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amended order, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(2) The amended order regulates the handling of milk in the same manner as, and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(3) That the issuance of this amended order and all of the terms and conditions of this amended order tend to effectuate the declared policy of the act.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said amended order which is marketed within the Lowell-Lawrence, Mass., marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amended order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Lowell-Lawrence, Massachusetts, marketing area; and

(3) The issuance of this amended order is approved or favored by at least three-fourths of the producers who participated in a referendum on the question of the approval of this order and who, during the determined representative period, were engaged in the production of milk for sale in said Lowell-Lawrence, Massachusetts, marketing area.

§ 934.2 *Order relating to handling.* It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of this amended order.

PROVISIONS¹

§ 934.3 *Definitions.*—(a) *Terms.* As used herein the following terms shall have the following meanings:

(1) The term "act" means Public, No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the power and perform the duties of the Secretary of Agriculture of the United States.

(3) The term "Lowell-Lawrence, Massachusetts, marketing area," hereinafter called the "marketing area," means the territory included within the boundary lines of the cities and towns of Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Lawrence, Lowell, Methuen, North Andover, Tewksbury, Tyngsboro, and Westford, Massachusetts.

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person who produces milk which is delivered to a receiving plant from which milk is shipped to, or sold in, the marketing area during any delivery period.

(6) The term "association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(7) The term "handler" means any person who, on his own behalf or as agent for producers, produces milk, or purchases or receives milk from producers, associations of producers, or other handlers, and engages in the handling of such milk, which is sold, distributed, or disposed of as milk or cream within the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(8) The term "producer-handler" means any handler who is also a producer and who receives no milk from other producers and who either (i) has milk receipts from his own production which he does not dispose of in bulk and which average less than 1000 pounds daily, or (ii) processes and packages his milk at a plant located on a farm from which he receives at least 25 percent of the total receipts from his own production which he does not dispose of in bulk.

(9) The term "market administrator" means the person designated pursuant to § 934.4 as the agency for the administration hereof.

¹ Underscored words indicate changes from Order No. 34, as amended, effective August 1, 1941, and as further amended by Amendment No. 1, effective November 1, 1941, and Amendment No. 2, effective April 6, 1942.

(10) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing period from the first to and including the last day of each month.

(11) The term "hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per 40-quart can.

(12) The term "receiving plant" means any milk plant currently used for receiving, weighing (or measuring), sampling, and cooling milk received there directly from producers' farms, and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weigh sheets or other records of producers' deliveries.

§ 934.4 *Market administrator.*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof;

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof;

(3) To recommend to the Secretary of Agriculture amendments hereto; and

(4) To prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operations hereunder as do not reveal confidential information.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 934.12, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not (i) made reports pursuant to § 934.7 or (ii) made payments pursuant to § 934.10; and may at any time thereafter so disclose any such name if authorized by the Secretary to do so; and

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 934.5 Classification of milk—(a) Basis of classification. Subject to verification by the market administrator, all milk received by a handler from producers or from his own production shall be classified in the classes set forth in (b) of this section in accordance with its utilization by him, except as follows:

(1) Subject to (c) of this section, milk or skim milk moved to another handler or to a plant subject to another order of the Secretary may be classified as reported by both the selling and the receiving handler, or by the seller alone if the receiver submits no report or if the two reports do not agree: *Provided*, That no greater quantity shall be classified as Class II milk than the total milk or skim milk utilized by such receiver as Class II milk, unless the receiver is a co-operative association as determined pursuant to § 934.11 (b), in which event the milk shall be classified in the same manner as though it were received by the association directly from producers.

(2) Milk or skim milk disposed of to persons not handlers who distribute milk or manufacture milk products, and exclusive of milk disposed of to a plant subject to another order of the Secretary, shall be Class I milk, not in excess of the total quantity of Class I milk, or skim milk, at such plant.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk, the utilization of which is established (i) as being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more, but less than 16 percent of butterfat; and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption, and (ii) as plant shrinkage not in excess of 2 percent of the volume handled.

(c) *Milk delivered by producers to other markets.* Milk received by a handler at one of his plants not subject to the provisions hereof from persons reported by him as under contract to have their milk received and paid for as part of his supply for the marketing area shall be considered as received from producers and classified (i) as Class II milk if received at a plant of that handler, the handling of milk in which plant is subject to the order regulating the handling of milk for the Greater Boston marketing area, and (ii) as Class I milk if received at a plant of that handler the handling in which plant is not subject to the order regulating the Greater Boston marketing area.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such

milk should not be classified as Class I milk.

§ 934.6 Minimum class prices—(a) Class I price to associations of producers. Each handler shall pay an association of producers, at the time set forth in § 934.10 (a) and subject to the butterfat differential calculated pursuant to § 934.10 (c), for Class I milk delivered in bulk from such association's receiving plant to such handler's plant located within 20 miles of the City Hall in Lowell or Lawrence, not less than the applicable price pursuant to (b) (1) of this section plus 13 cents.

(b) *Class I price to producers.* Each handler shall pay producers, at the time and in the manner set forth in § 934.10, for Class I milk delivered by them, not less than the following prices:

(1) For milk delivered from producers' farms to such handler's plant located within 20 miles from the city hall in Lowell or Lawrence, the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph.

92-score butter, wholesale, at New York, average of quotations of the U. S. Dept. of Agriculture for 30 days immediately preceding the 25th of each month (cents per pound)	Class I price for the delivery period following the 25th day of each month
	Dollars per cwt.
Under 40	3.64
40 and over, but under 45	3.87
45 or over	4.10

(2) For milk delivered from producers' farms to such handler's plant located beyond 20 miles, but within 40 miles, of the City Hall in Lowell or Lawrence, the price per hundredweight during each delivery period shall be the price effective pursuant to (1) of this paragraph, less 17 cents per hundredweight.

(3) For milk delivered from producers' farms to such handler's plant not located within 40 miles of the City Hall in Lowell or Lawrence the price per hundredweight during each delivery period shall be the price effective pursuant to (1) of this paragraph, less an amount per hundredweight equal to the sum of 13 cents and the average of the freight rates (considering 85 pounds to one 40-quart can), from the railroad shipping point for such handler's plant to Lowell and to Lawrence, calculated according to the lowest applicable rail tariffs for the transportation in carload lots of milk in 40-quart cans.

(4) For the purpose of this paragraph, the milk which was disposed of during each delivery period by each handler as Class I milk from a handler's receiving plant located within 20 miles of the City Hall in Lowell or Lawrence shall be considered to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest receiving plant not located within 20 miles of the City Hall in Lowell or Lawrence.

(c) *Class II prices.* Each handler shall pay producers, at the time and in the manner set forth in § 934.10, for Class II milk delivered by them not less than the following prices per hundredweight:

(1) For such milk delivered to a handler's receiving plant located within 20 miles of the City Hall in Lowell or Lawrence, the price calculated pursuant to (2) of this paragraph for the 201-250 freight mileage zone plus 14 cents.

(2) For such milk delivered to a handler's receiving plant not located within 20 miles of the City Hall in Lowell or Lawrence, a price which the market administrator shall compute by combining in one sum such of the following computations as apply:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply this result by 3.7 and subtract the amount set forth in (d) of this section for the railroad freight mileage zone of the average distance from the railroad shipping point for such handler's plant to Lowell and to Lawrence;

(ii) For any delivery period for which no cream price as described in (i) of this subparagraph is reported, multiply the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4, multiply this result by 3.7, and subtract the amount set forth in (d) of this section for the railroad freight mileage zone of the average distance from the railroad shipping point for such handler's plant to Lowell and to Lawrence;

(iii) For all delivery periods except April, May, and June, compute any plus amount for skim value which results from the following: From the average of all the dry skim milk powder quotations for carlots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation) published during such delivery period by the United States Department of Agriculture for New York City, subtract 4 cents, and multiply this result by 7.5; and

(iv) For the April, May, and June delivery periods, compute and plus amount for skim value which results from the average of the skim value computed pursuant to (iii) of this subparagraph and a value obtained as follows: compute the average of all quotations (using midpoint of any range as one quotation) published during the delivery period in the *Oil, Paint, and Drug Reporter*, for domestic 20-30 mesh casein in bags in carlots at New York, subtract 6.6 cents and multiply this result by 2.2; except that if either computation results

in a minus amount, the other shall be used in lieu of the average.

(d) *Combined plant handling and transportation differentials.* Differentials provided pursuant to (c) of this section shall be as set forth in the following table:

Freight zones miles;	Class II (cents per cwt.)
21-100-----	23.0
101-150-----	26.5
151-200-----	27.5
201-250-----	28.0
251-300-----	28.5

§ 934.7 *Reports of handlers.*—(a) *Periodic reports.* On or before the 8th day after the end of each delivery period, each handler who receives milk from producers shall, with respect to milk or cream which was received by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers, including the quantity, if any, received from his own production;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) Receipts at each plant pursuant to § 934.8 (c); and

(4) The respective quantities of milk which were sold, distributed, or used, including sales to other handlers, classified pursuant to § 934.5.

(b) *Reports of handlers who receive no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* (1) Each handler shall submit to the market administrator within 10 days after his request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days on which deliveries were made.

(2) Each handler shall submit to the market administrator, within 10 days after his request, made not earlier than 15 days after the end of the delivery period, his producer pay roll for such delivery period, which shall show for each producer (i) the daily and total pounds of milk delivered with the average butterfat test thereof and (ii) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(3) On or before the 18th day after each handler becomes subject to the provisions hereof, he shall report to the market administrator a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant, and such information with respect to distances involved as the market administrator may require.

(4) On or before the 18th day after any changes are made in the schedule filed in accordance with (3) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(5) On or before the 8th day after the end of each delivery period, each handler shall report the names of any persons whose milk such handler is reporting pursuant to § 934.5 (c) and § 934.8 (c) and include a certification that these persons have contracts as specified therein.

(d) *Announcement of transportation rates.* On or before the 30th day after the end of each delivery period, the market administrator shall mail to all handlers who receive milk from producers and shall publicly announce the rate or rates of such deductions made by each handler, as reported, pursuant to (3) and (4) of paragraph (c) of this section, and such information with respect to the distances involved and so reported as the market administrator may deem advisable.

(e) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required hereunder or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Examine those records which are necessary for the verification of the information contained in such reports;

(2) Weigh, sample, and test milk and milk products; and

(3) Make such examination of operations, equipment, and facilities as the market administrator deems necessary.

§ 934.8 *Application of provisions.*—(a) *Handlers who receive no milk from producers.* The provisions hereof, except as set forth in § 934.7, shall not apply to a producer-handler nor to a handler whose sole source of milk supply consists of receipts from other handlers.

(b) *Milk received from producer-handlers.* Milk of a producer-handler's own production which is delivered in bulk to another handler shall be considered as being delivered by a producer unless the receiving handler is also a producer-handler.

(c) *Producers for other markets.* Milk received from producers, who are reported by a handler as under contract to have their milk received and paid for as part of that handler's supply for a market other than the marketing area, shall be reported under a separate category, and the provisions of § 934.10 and § 934.11 shall not apply.

(d) *Milk subject to the Greater Boston order.* The provisions hereof shall not apply, except as provided in § 934.5, to the handling of milk received at any handler's receiving plant which is subject to the provisions of the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, unless such handler, not in-

cluding a cooperative association as qualified pursuant to § 904.11 (a) of such order, sells, distributes, or disposes of less than 10 percent of his total receipts of milk as Class I milk in the Greater Boston marketing area.

§ 934.9 *Minimum composite prices to producers.*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 934.8, the value of milk disposed of by each handler, in the following manner:

(1) Subtract from the quantity of such handler's Class I milk the quantity of milk received pursuant to § 934.8 (c) from producers who are reported as having contracts applying to the Greater Boston marketing area;

(2) Subtract from the quantity of such handler's Class I milk or of his Class II milk, according to the classification thereof as the same is reported and classified pursuant to § 934.5, the quantity of milk received by such handler from other handlers;

(3) Subtract from the quantity of such handler's Class II milk the quantity of milk received pursuant to § 934.8 (c) from producers who are reported as having contracts applying to markets other than the Greater Boston marketing area; and

(4) Multiply the remainder of the quantity of milk in each class by the price applicable pursuant to § 934.6 (b) and § 934.6 (c) and add together the resulting value of each class.

(b) *Computation of composite prices.* The market administrator shall compute for each handler the composite price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to (a) of this section the amount of the differential applicable pursuant to § 934.10 (d);

(2) Subtract any amounts required to be paid under the order regulating the handling of milk in the Greater Boston marketing area pursuant to § 934.8 (d); and

(3) Divide the value remaining after subtraction pursuant to (2) of this paragraph by the total quantity of milk included in the computation made pursuant to (a) (4) of this section. This result shall be known as the handler's composite price for milk containing 3.7 percent butterfat.

(c) *Announcement of composite prices.* The market administrator shall mail to all handlers who receive milk from producers and shall publicly announce prices resulting from the computations pursuant to (a) and (b) of this section, and other related information, as follows:

(1) On or before the 12th day after the end of the delivery period, he shall announce the composite price, the Class II price, and the butterfat differential.

(2) On or before the last day of the month after the end of the delivery period, he shall announce the total quantity and value of Class I milk and Class II milk included in such computations.

§ 934.10 *Payments to producers*—(a) *Time and method of payments.* On or before the 18th day after the end of each delivery period, each handler shall make payment, subject to the differentials set forth in this section, for the total value of milk received by him from producers during such delivery period, as computed in accordance with § 934.9 (a), as follows:

(1) To each producer, except as provided in (2) of this paragraph, at not less than the composite price per hundredweight computed for such handler pursuant to § 934.9 (b);

(2) To producers who are members of an association of producers, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under (1) of this paragraph.

(b) *Correction of errors in payments.* Errors in making any of the payments required by this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected as the market administrator shall determine to be equitable, either by (i) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler or (ii) addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 934.9 (a).

(c) *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day, inclusive, of the delivery period during which such milk is delivered, subtract 1.5 cents, and divide the result by 10: *Provided*, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4, subtract 1.5 cents, and divide the result by 10.

(d) *Country receiving plant and freight differential.* The payments to be made by handlers, pursuant to (a) of this section, for milk delivered by producers at a receiving plant located 20 miles from the City Hall in Lowell or Lawrence, shall be subject to a deduction of 13 cents plus the average of the lowest freight rates from the railroad shipping point for such handler's plant to Lowell and Lawrence, according to the tariff

currently approved by the Interstate Commerce Commission for the transportation in carload lots of milk in 40-quart cans (considering 85 pounds of milk per 40-quart can).

(e) *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of (a), (c), and (d) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under § 934.11, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 934.11 *Marketing services*—(a) *Marketing service deduction.* In making payments to producers pursuant to § 934.10, each handler shall, with respect to all milk delivered by each producer during each delivery period, except as set forth in paragraph (b) of this section, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producer. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers who are members of an association of producers which is actually performing the services set forth in (a) of this section, each handler shall, in lieu of the deductions specified in (a) of this section, make such deductions from payments made pursuant to § 934.10 as may be authorized by such producers and pay over, on or before the 18th day after the end of each delivery period, such deduction to such associations.

§ 934.12 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of administration hereof, each handler, except as set forth in § 934.8 (a), shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight or such lesser amount as the market ad-

ministrator shall determine to be sufficient, with respect to all milk received by him during such delivery period, from producers and from his own production, except that this assessment shall not be deemed to duplicate any amount paid to the market administrator under a separate agreement by the Massachusetts Milk Control Board for cost of administration.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.

§ 934.13 *Effective time, suspension, and termination of order*—(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Termination of order.* The Secretary may terminate this order whenever he finds that this order obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate, (i) shall continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof,

over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 934.14 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 11th day of March 1943, to be effective on and after the 15th day of March 1943. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved: March 11, 1943.

JAMES F. BYRNES,
Director of Economic
Stabilization.

[F. R. Doc. 43-3882; Filed, March 12, 1943;
11:32 a. m.]

PART 942—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

ORDER REGULATING HANDLING OF MILK

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

§ 942.0 Findings and determinations—(a) Findings upon the basis of hearing record. Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR. 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The aforesaid order, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the New Orleans, Louisiana, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to §§ 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in the aforesaid order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The aforesaid order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid tentatively approved marketing agreement, as amended, upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by the aforesaid order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the New Orleans, Louisiana, marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order and who, during the determined representative period, were engaged in the production of milk for sale in said New Orleans, Louisiana, marketing area.

It is, therefore, ordered, That, from and after the effective date hereof, the handling of milk in the New Orleans,

Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete § 942.1 (a) (1) and substitute therefor the following:

(1) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

2. Delete from § 942.5 (a) (1) the following phrase "2.75 per hundredweight for the delivery periods of May, June, and July; \$3.15 per hundredweight for the delivery periods from August 1942 through March 1943, inclusive; and \$2.75 per hundredweight thereafter" and substitute therefor the following phrase "\$3.67 per hundredweight through March 1944, and \$2.74 per hundredweight thereafter."

3. Delete § 942.5 (a) (2) and substitute therefor the following:

(2) *Class II milk.* \$3.00 per hundredweight through March 1944, and \$2.07 per hundredweight thereafter.

4. Delete § 942.5 (a) (3) and substitute therefor the following:

(3) *Class III milk.* The price per hundredweight resulting from the following computation by the market administrator: add 9 cents to the average wholesale price per pound of 92-score butter at Chicago, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and multiply the resulting sum by 4.

5. Delete from § 942.8 (d) the following phrase "an amount equal to one-fortieth of the price for Class III milk computed pursuant to § 942.5 (a) (3)" and substitute therefor the following phrase "an amount computed as follows: add 20 percent to the price per pound of butter described in § 942.5 (a) (3), subtract 2 cents, and divide the net result by 10."

6. Add as § 942.12 the following:

§ 942.12 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.)

Issued at Washington, D. C., this 11th day of March 1943, to be effective on and after the 15th day of March 1943. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved: March 11, 1943.

JAMES F. BYRNES,
Director of Economic Stabilization.

[F. R. Doc. 43-3885; Filed, March 12, 1943;
11:32 a. m.]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

ORDER REGULATING HANDLING OF MILK

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

§ 947.0 Findings and determinations—(a) Findings upon the basis of hearing record. Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR. 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8c (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608c), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(2) The order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(3) The issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

(b) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by the aforesaid order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Fall River, Massachusetts, marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Fall River, Massachusetts, marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order and who, during the determined representative period, were engaged in the production of milk for sale in said Fall River, Massachusetts, marketing area.

ORDER RELATING TO HANDLING

It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete § 947.1 (a) (2) and substitute therefor the following:

(2) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

2. Add a new subparagraph to § 947.2 (b) as follows:

(4) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this order as do not reveal confidential information.

3. Delete § 947.3 (a) (2) (ii) and substitute therefor the following:

(ii) All milk accounted for as actual plant shrinkage not in excess of 2 percent of milk received from producers including milk of the handler's own production.

4. From § 947.4 (a) delete the words "for delivery periods prior to April 1, 1943, and thereafter \$3.42 per hundredweight," and delete the present table of

prices and substitute therefor the following:

92-score butter, wholesale, at New York, average of quotations of the U. S. Department of Agriculture for 30 days immediately preceding the 25th day of each month (cents per pound)	Class I price for the delivery period following the 25th day of each month
	Dollars per hundredweight
Under 40.....	3.88
40 or over but under 45.....	4.11
45 or over.....	4.34

5. Delete the proviso in § 947.4 (b) and substitute therefor the following:

Provided, That for all delivery periods, except April, May, and June, any plus amount for skim value shall be added which results from the following computation: compute the average for all the dry skim milk powder quotations for carlots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags," (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.0 cents, and multiply by 7.5; and that for the delivery periods of April, May, and June, compute any plus amount for skim value which results from the average of the skim value computed above and a value obtained as follows: compute the average of all quotations (using midpoint of any range as one quotation), published during the delivery period in the "Oil, Paint, and Drug Reporter" for domestic 20-30 mesh casein in bags in carlots at New York, subtract 6.6 cents and multiply by 2.2: Provided further, That if either computation results in a minus amount, the other shall be used in lieu of the average.

6. Add a new paragraph to § 947.3 as follows:

(e) Responsibility of handlers in establishing the classification of milk. In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

7. Delete § 947.3 (b) and substitute therefor the following:

(b) Sales of milk from handlers to other handlers or nonhandlers. Milk disposed of from one handler to another handler, to persons who distribute milk or manufacture milk products, or milk disposed of in other ways outside of the marketing area shall be classified, subject to verification by the market administrator, as follows:

(1) Disposition from a handler to a producer-handler shall be Class I.

(2) Disposition from a handler to another handler or to a plant subject to another order of the Secretary, except as provided in (1) of this paragraph, shall be Class I: Provided, That if such milk or skim milk is reported as having been utilized as Class II by the person who received it or by the disposing handler, it shall be classified accordingly.

(3) Disposition from a handler to persons not handlers or producer-handlers who distribute milk or manufacture milk products, and exclusive of milk disposed of to a plant subject to another order of the Secretary, shall be Class I, not to exceed the total quantity of Class I milk, or skim milk, at such plant.

8. Delete § 947.3 (c) (2).

9. Delete § 947.7 (b) (1) (iii) and (2)

(iv) and substitute therefor the following as (iii) and (iv) respectively:

Add the cash balance, if any, in his hands from payments made by handlers, during the delivery period next preceding, to meet the obligations arising out of § 947.9 (d).

10. In § 947.9 (c) and § 947.11 (a) delete the words "13th day" and substitute therefor the following "15th day."

11. In § 947.9 (d) delete the words "15th day" and substitute therefor the following "16th day."

12. In § 947.10 (a) preface the present language with the words, "on or before the 15th day after the end of each delivery period," and delete the words "On or before the end of such delivery period."

13. In § 947.10 (b) preface the present language with the words, "On or before the 17th day after the end of each delivery period," and delete the words "On or before the end of each delivery period."

14. The following section shall also be a part of the order, as amended, in addition to §§ 947.1 through 947.12 of said order, as amended:

§ 947.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.)

Issued at Washington, D. C., this 10th day of March 1943, to be effective on and after the 15th day of March 1943. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved: March 11, 1943.

JAMES F. BYRNES,
Director of Economic
Stabilization.

[F. R. Doc. 43-3884; Filed, March 12, 1943;
11:32 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Espionage Act

approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (50, U. S. C. 191, 191a), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States are hereby amended as follows:

By amending § 6.5-30 of Subpart C to read as follows:

§ 6.5-30 *Areas of forbidden anchorage: Hampton Roads and Cape Henry, Virginia.* (a) Except in cases of great emergency, no vessel shall anchor in the following area unless the owner, master, agent, or operator of such vessel has been issued a permit by the Captain of the Port: Starting at a point on the 37th parallel located 256 degrees 30 min. true, 825 yards from Old Point Comfort Light; thence 108 degrees true, 315 yards; thence 84 degrees 30 min. true; 425 yards; thence 67 degrees true, 380 yards; thence 43 degrees 30 min. true, 2,650 yards; thence 90 degrees true, 3,020 yards; thence 172 degrees true, 2,040 yards; thence 252 degrees true, 5,230 yards to Fort Wool Light; thence 247 degrees true, 1,000 yards to Sewall Point Spit Lighted Bell Buoy No. 2; thence 348 degrees 30 min. true to point of origin.

(b) No vessel shall anchor within a radius of three hundred (300) yards of the Examination Vessel, located 336° true, 2,970 yards from the Harbor Entrance Control Post located at the Weather Bureau signal station at Cape Henry, Virginia.

By amending § 6.9-55 of Subpart C to read as follows:

§ 6.9-55 *Western rivers—(a) Restricted areas for locks and dams on the upper Mississippi River.* An area not to exceed 2,000 feet above and 1,000 feet below each of the following locks and dams:

Lock and Dam No. 2.
Lock and Dam No. 3.
Lock and Dam No. 4.
Lock and Dam No. 5.
Lock and Dam No. 5A.
Lock and Dam No. 6.
Lock and Dam No. 7.
Lock and Dam No. 8.
Lock and Dam No. 9.
Lock and Dam No. 10.
Lock and Dam No. 11.
Lock and Dam No. 13.
Lock and Dam No. 14.
Lock and Dam No. 16.
Lock and Dam No. 17.
Lock and Dam No. 18.
Lock and Dam No. 20.
Lock and Dam No. 21.
Lock and Dam No. 22.
Lock and Dam No. 24.
Lock and Dam No. 25.

(b) *Other restricted areas in Western rivers—(1) Illinois River—(i) Peoria, Illinois.* (Upper area) From mile 166.2 to mile 162.8 from right bank to 9 foot contour line on left.

(ii) *Peoria, Illinois.* (Lower area) From mile 162.8 to 162.5 from right bank to 9 foot contour line on left, from 162.5 to 160.5 from bank to bank.

(iii) *Pekin, Illinois.* (Upper area) The restricted area includes all waters from bank to bank, from approximately

mile 153.2, which is 1,000 feet above C. R. I. & P. Ry. Bridge, to approximately mile 152.7, which is 1,000 feet below State Highway Bridge.

(iv) *Pekin, Illinois.* (Lower area) The restricted area includes all waters from bank to bank, from approximately mile 150.8, which is 1,000 feet below Powerton Station, to approximately mile 151.4, which is 1,000 feet above C. & N. W. Ry. bridge.

(v) *Havana, Illinois.* The restricted area extends from mile 120.2 upstream, and includes all waters from immediately shoreward of the sailing line to the left bank up to mile 120.8, the lower end of Chautauqua Lower Island. From the lower end of the island, the restricted area includes all waters of the old channel to mile 121.2, including waters of the Dock "A" Canal.

(2) *Kanawha River—(i) Charleston, West Virginia.* The restricted area includes all waters between mile 54.6 to mile, 56.1 from the left bank of the Kanawha River, to 200 feet channelward from the north shore of Blaines Island.

(3) *Ohio River—(i) Pittsburgh, Pennsylvania.* (Emsworth Dam area) Includes all waters of the Ohio River from the sailing line to the North Shore of Neville Island, between mile 6.2 and mile 8.5.

(ii) *Evansville, Indiana.* From Main Street mile 792.3 to mile 794.2 to the sailing line on the Indiana side. Including Sou-Ind. Gas & Elec. Co. and Mo. Valley Bridge and Iron Co.

(iii) *Louisville, Kentucky.* (Area A) Area A at Jeffersonville Boat and Machine Company, mile 601.5 to mile 602.0, right bank, extends 200 feet riverward of the normal pool line.

(iv) *Louisville, Kentucky.* (Area B) Area B extends 2,000 feet above and parallel to Ohio Falls Bridge, mile 604.4. Upstream limits of the restricted area pass through head of the Louisville Portland Canal.

(v) *Cincinnati waterworks intake pier.* From left of sailing line at approximately mile 462.8, Ohio River, downstream to mile 463.0, plainly marked by 4 nun buoys painted white. The area marked by buoys extends 500 feet upstream from the Cincinnati Water Works Intake Pier and 1,000 feet downstream from pier.

(vi) *Point Pleasant, West Virginia.* From mile 263.3 to mile 264.0, extending 450 feet from left bank, normal pool line.

(vii) *Cairo, Illinois.* Extends from approximately mile 977.2, a line drawn across Ohio River 2,500 feet upstream from Illinois Central Railroad Bridge, mile 977.7 downstream to approximately mile 980.9, a point 2,500 feet below Ill-Kentucky Highway Bridge, mile 980.4, extending straight across the Ohio River from Illinois to Kentucky.

(viii) *Indiana & Hoosier Ordnance Works.* The restricted area extends from mile 590.3 downstream to mile 593.5 on the Ohio River, and includes all waters from the buoy-line which is marked by four white restricted area buoys placed 400 feet channelward from the Indiana Shore, to the right bank.

(ix) *Portsmouth, Ohio.* The restricted area extends from mile 350.6 downstream to mile 351.0 on the Ohio River, and includes all waters from the buoy-line which is marked by two white restricted

area buoys placed 200 feet channelward from the Ohio Shore to the right bank.

(x) *Ironton, Ohio.* The restricted area extends from mile 324.8 downstream to mile 325.2 on the Ohio River, and includes all waters from the buoy-line which is marked by two white restricted area buoys placed 200 feet channelward from the Ohio Shore, to the right bank.

(xi) *West Virginia Ordnance Works.* The restricted area extends from mile 255.9, to mile 261.3, and includes the area from the restricted area buoy-line to the left bank. (Buoys are placed at mile 261.3, mile 260.7, mile 258.1, mile 257.0 and mile 255.9 and are placed from 200 feet to 500 feet from the left shore.)

(xii) *Paducah, Kentucky.* The restricted area, which includes waters of both the Ohio and Tennessee Rivers, extends from mile 932.4 downstream to mile 936.0 on the Ohio River, and includes all waters from the sailing line to the left bank, including waters of the Tennessee River upstream to mile 2.5.

(xiii) *Catlettsburg, Kentucky.* The restricted area includes all waters from bank to bank from Lock and Dam No. 1 on the Big Sandy River at mile 0.3 upstream 1000 feet to approximately 0.5, and downstream 1000 feet to approximately mile 0.1.

(4) *Mississippi River—(i) Minneapolis, Minnesota.* Entire navigational river front, both sides between Washington Avenue Highway Bridge, mile 852.7, to Lock and Dam No. 1, mile 847.6, a distance of approximately 5.1 miles.

(ii) *St. Paul, Minnesota.* From mile 847.6 downstream to mile 836.9, including both left and right banks of river, all bridges, oil and municipal barge terminals.

(iii) *Dubuque, Iowa.* From mile 580.5 downstream to mile 579.0, including all bridges, abutments, the Municipal Barge Terminal, and the harbor entrance to the Dubuque Boat and Iron Works on right bank.

(iv) *Savanna - Bellevue.* Restricted area includes all waters from bank to bank, from mile 544.6 to mile 558.0, of the Mississippi River.

(v) *Rock Island, Illinois.* Extends from a line from the left bank, at mile 481.0, across the lower end of Island No. 310 to the right bank, the area extends upstream, and includes the entire river to the lower approach to Lock and Dam No. 15; from the lower approach to Lock and Dam No. 15, upstream to mile 488.0. The area includes all waters from mid-channel to the left bank, including Sylvan Slough and Moline Pool; from Moline-Bettendorf Highway Bridge upstream to mile 487.0. All waters from the sailing line to the right bank are also restricted.

(vi) *Keokuk, Iowa.* (Upper area) From right bank a line straight across river from Jetty entrance to South point of Cheney Creek on left bank; from this line to Dam No. 19, mile 364.2, including Lock No. 19 safety harbor.

(vii) *Keokuk, Iowa.* (Lower area) From lower end of Lock and Dam No. 19, mile 364.2 to 2,500 feet downstream, below Highway and Railroad Bridge, this lower line extending straight across

river from Keokuk City Landing, right bank, to Island 403 on left bank.

(viii) *Quincy, Illinois.* The area in Quincy Bay from Upper Bay Bridge mile 327.9 to 1,500 feet above the lower Bay Bridge mile 327.4 including all sloughs adjacent.

(ix) *Alton, Illinois.* (Upper area) Includes all waters from bank to bank, from Lock & Dam 26 to a point 2,500 feet upstream, approximate mileage, 203.4 and all waters from the sailing line to left bank from 2,500 feet upstream from the dam to mile 204.5.

(x) *Alton, Illinois.* (Lower area) From Lock and Dam No. 26, mile 202.9, downstream 2,500 feet to a line straight across river from right bank to left bank, mile 202.5.

(xi) *Wood River, Illinois.* From mile 198.0 to mile 197.0 Upper Mississippi River, and includes all waters from the sailing line to the left bank, which includes oil loading terminals of Standard, Shell, and Phillips Oil Companies.

(xii) *St. Louis, Missouri.* (Upper area) Extends from Salt Point Light, mile 184.3, line straight across to Illinois bank, downstream to Eads Bridge, including both banks, mile 180.0.

(xiii) *St. Louis, Missouri.* (Lower area) Includes all waters from bank to bank, from Eads Bridge, mile 180.0 to 1,000 feet below Jefferson Barracks Highway Bridge, approximately mile 168.3.

(xiv) *Cape Girardeau, Missouri.* All waters to right of sailing line from mile 54.0 to approximately mile 51.8, a point 1,000 feet upstream from Cape Girardeau Highway Bridge. From approximately mile 51.8 to approximately mile 51.4, a point 1,000 feet downstream from Cape Girardeau Highway Bridge, the restricted area extends from bank to bank.

(xv) *Cape Girardeau, Missouri.* (Thebes Bridge area) From approximately mile 43.9, a point 1,000 feet upstream from Thebes Railway Bridge, to approximately mile 43.5, a point 1,000 feet downstream from Thebes Railway Bridge, the restricted area extends from bank to bank.

(xvi) *Cairo, Illinois.* Extends from mile 1 on line straight across Mississippi River from the Illinois bank to the Missouri bank, upstream one mile to mile 2, Mississippi River, to a line drawn straight across river from Illinois bank through Angelo Towhead to the Missouri bank.

(xvii) *Memphis, Tennessee.* From mile 226.0 to mile 230.0 including Wolf River from mouth to Jones Steel Corporation. Also including Tennessee Chute from mouth to north bank of entrance to Nonconna Creek.

(xviii) *Helena, Arkansas.* From mile 306.5 to mile 309.0 from bank to bank.

(5) *Missouri River—(i) Omaha, Nebraska.* The restricted area includes all waters of the Missouri River from bank to bank, at normal stage, from Omaha Highway Bridge, mile 628.4 to mile 629.5, including the Omaha Steel Works approximately mile 628.7 right bank, Missouri River.

(ii) *Leavenworth, Kansas.* All waters from bank to bank between Four Mile Creek, approximately mile 408.1 to Five Mile Creek, mile 407.0, including the Missouri Valley Bridge & Iron Co. shipyard on the right bank.

(iii) *Kansas City, Missouri.* (Upper area)—(Kansas City, Kansas) To include entire river, from bank to bank, from mile 384.6 downstream to Fairfax Highway Bridge, approximately mile 384.0.

(iv) *Kansas City, Missouri.* (Lower area) To include all waters on the Kansas River bank to bank from the Inter-City Viaduct to the mouth. Also includes all waters from bank to bank of the Missouri River from mile 379.0 to mile 376.1.

(v) *Weldon Springs, Missouri.* The restricted area includes all waters from the left bank to mid-channel between mile 47 to mile 50.0.

(vi) *Blair, Nebraska.* The restricted area includes all waters from bank to bank, from mile 670.3, to mile 670.5, including Petersen & Haecker, Ltd. Boatyard, on the right bank of the Missouri River, between Nebraska-Iowa Highway Bridge and mile 670.3.

(6) *Cumberland River—(i) Nashville, Tennessee.* The restricted area extends from mile 190.4, the L & N Railroad Bridge, to mile 191.4, from bank to bank.

(7) *Tennessee River—(i) Chickamauga Lake.* (Volunteer Ordnance Works) The restricted area includes all waters to the left of a semi-circular buoyed line, which extends from the left bank at mile 473.1, out 1,000 feet into the river, at an arc, to the left bank at mile 472.6. The upper limit of the area is 1,000 feet upstream from Pumphouse No. 1, and the lower limit of the area is 1,000 feet downstream from pumphouse No. 2, of the Volunteer Ordnance Works.

(ii) *Decatur, Alabama.* An area along the left bank of the Tennessee River from the water's edge riverward a distance of 200 feet and extending from mile 303.5 to mile 304.0.

(8) *Minnesota River—(i) Savage, Minnesota.* (Lower area) The restricted area extends from mile 13.0 to mile 13.2, and includes all waters from mid-channel to the right bank including the shore line of the Cargill Shipbuilding Co., at approximately mile 13.1, Minnesota River.

(ii) *Savage, Minnesota.* (Upper area) The restricted area extends from approximately mile 14.1, upstream to approximately mile 14.5, on the Minnesota River. The area includes the entire river and the abutments of the Minnesota-Southern Railway Bridge at mile 14.3.

(c) *The regulations.* (1) No vessel shall enter, anchor, moor, or pass through the restricted areas as above set forth in § 7.9-55 (a) and (b), between the hours of sunset and sunrise, unless previous permission in writing has been granted by the captain of the port within whose jurisdiction such restricted area lies: *Provided,* That this requirement shall not apply to:

(i) Tows, towboats with tows, tankers and tank barges in tow, dredges under

tow, or any other commercial vessel whose overall length exceeds sixty-five feet.

(ii) Vessels primarily engaged in the transportation of passengers for hire over regularly scheduled routes, in accordance with instructions and regulations issued by the captain of the port.

(2) Vessels passing through restricted areas may, at any time, be boarded and inspected. When ordered by a Coast Guard patrol, such vessel shall immediately slow down and come to a complete stop until permission to continue the voyage is granted by the Officer in Charge.

(3) All commercial vessels included under subparagraphs (1) (i) and (1) (ii) above are required to have a special license issued by the Captain of the Port in order to enter or pass through a restricted area. When operating in accordance with the terms of such license, but at no other time, the vessel shall fly the International Flag "I", in such a manner as to be clearly visible at all times within a reasonable distance.

(4) No vessels shall be operated in a restricted area at a speed in excess of 6 miles per hour except that vessels with barges in tow may, consistent with safe practices, be operated down stream at a speed not to exceed 11 miles per hour.

(5) Fishing, hunting, trapping, or related activities within a restricted area are prohibited.

(6) No pictures shall be taken of restricted areas. The master, owner or operator of commercial vessels shall cause an appropriate notice to be posted in a conspicuous place on the vessel, stating that all cameras, firearms or visual aids such as binoculars shall be deposited with the purser or other appropriate officer for the duration of the voyage. On vessels engaged in hauling passengers for hire the notice shall be posted at the passenger entrance. No cameras shall be carried on pleasure craft unless prior permission has been obtained from the captain of the port.

(7) No person shall have firearms, explosives, or highly inflammable materials in his possession on board any vessel without a permit from the captain of the port, except in the cases specified below.

(i) Licensed pilots, masters, mates, engineers, and certificated tankermen on documented vessels may carry a pistol for the purpose of protection: *Provided*, That written permission has been obtained from the owner or operator of the vessel.

(ii) Hunters proceeding through restricted areas in undocumented or unnumbered vessels may carry shotguns to and from hunting grounds that are outside of said restricted areas: *Provided*, That the provisions of federal and local law and regulations applicable to hunting are complied with.

No person who has been arrested and convicted of a crime involving violence or destruction shall carry firearms without a permit issued by the captain of the port.

(8) Nothing contained in these rules and regulations shall be construed as relieving any vessel, common carrier,

owner, shipper, master of a vessel, person in charge thereof, or other person from any liability or penalty incurred by reason of the violation or breach of any other regulation or of any law.

(9) Nothing contained in this section shall be construed to apply to vessels owned or operated by the U. S. Government, to agents or representatives of the U. S. Government engaged in the execution of official duties, nor to any vessels engaged by them and devoted solely to the performance of such duties.

By adding to Subpart C:

§ 6.4-12 *Delaware River, Del.; anchorage area in vicinity of Reedy Point.* (a) An area on the northerly side of the Chesapeake and Delaware Canal entrance, bounded by straight lines connecting the following points:

Point A, 325 yards 76° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

Point B, 1450 yards 322°30' true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

Point C, 1650 yards 342° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

Point D, 750 yards 52° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(b) (1) Vessels shall be so anchored within this anchorage area that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(2) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released.

(3) The position of any vessel within this anchorage area may be shifted whenever the maritime or commercial interests of the United States so require. A vessel upon being notified to move or shift its position must get under way at once and change position as directed with reasonable promptness.

(4) Nothing in these rules and regulations shall be construed as relieving the owner or person in charge of any vessel or plant from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(5) The anchoring of vessels in this anchorage area shall be subject to supervision and approval of the Captain of the Port.

§ 6.7-20 *Waters of Lake George, Florida; U. S. Naval Air Corps, Aerial Practice Bombing Area, in Lake George, Volusia County, Florida—(a) The danger zone.* (1) An area approximately 2.75 miles wide and 8.2 miles long in Lake George, Florida, bounded as follows:

	Latitude	Longitude
N. E. corner....	29°20'22" North...	81°36'17" West.
N. W. corner....	29°19'20" North...	81°38'42" West.
S. E. corner....	29°13'57" North...	81°32'42" West.
S. W. corner....	29°12'56" North...	81°35'08" West.

The danger zone will be marked by appropriate warning signs on piles or buoys at the four corners and the mid-points of the two longer sides.

(b) *The regulations.* (1) The danger area is open to navigation except when target practice is being conducted, when no vessel or other craft shall enter or remain within these areas except as provided in paragraph (b) (4).

(2) Advance notice shall be given of the date on which the first bombing practice shall begin. At intervals of not more than three months thereafter, notice will be sent out that bombing practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) Prior to the conduct of each bombing practice the area will be patrolled by naval aircraft which will warn navigation to leave the area by "zooming" a safe distance to the side. Upon receiving this signal any watercraft within the danger zone shall leave it and no craft shall enter this area until practice has ceased.

(4) These regulations shall not deny passage through Lake George of commercial craft proceeding through the project channel. In case of the presence of any such vessels in the danger area, the Officer in Charge of bombing operations shall cause the cessation or postponement of such practice until the vessel has cleared the area, or until there is adequate safety distance between the moving target and such vessel. The vessel shall proceed on its normal course and shall not delay its progress.

(5) These regulations shall be enforced by the Captain of the Port and the Commandant, United States Naval Air Station, Jacksonville, Florida, and such agencies as may be designated.

§ 6.8-46 *Waters of Mississippi Sound; U. S. Merchant Marine Cadet Basic School, Henderson Point, Mississippi—*

(a) *The danger zone.* The area is triangular, bearing 232°, 4.7 miles, from the water tank on Henderson Point, thence 98°, 3.8 miles, thence 3.5 miles to the water tank. (Bearings true).

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area during its use for firing practice. Firing will ordinarily take place between the hours of 8:00 a. m. and 4:00 p. m., Monday through Friday of each week.

(2) Prior to the conduct of each firing practice a red flag will be displayed from the water tank on Henderson Point and watercraft in the vicinity will be warned by patrol boats.

(3) Any such watercraft shall, upon being so warned, immediately vacate the area and shall remain outside the area until the conclusion of firing practice.

(4) These regulations shall be enforced by the Captain of the Port and by the Commanding Officer, U. S. Merchant Marine Cadet Basic School and such agencies as he may designate.

§ 6.13-7 *Lake Washington, Seattle, Washington; restricted seaplane operating area—(a) The area.* (1) Beginning at a point No. 18° W, 2,800 yards from the northwest corner of the operations tower at the U. S. Naval Air Station,

Sand Point, thence N 13° W, 2,000 yards; thence N 77° E, 500 yards; thence S 13° E, 2,000 yards; thence S 77° W, 500 yards to the point of beginning.

(2) The area will be marked by special pneumatic buoys as follows: Seven on the easterly line, equally spaced, and eight on the westerly line, equally spaced, thus forming two parallel rows 500 yards apart. The end buoys in each row mark the corners of the area above described. Each corner buoy will be equipped with a green light, the next in line at either end of each row will be equipped with a red light, and the remaining ones with amber lights. These lights are controlled by radio and will be lighted only during night flying operations. Each buoy will be marked in addition by black and yellow vertical stripes.

(b) *The regulations.* (1) The area, heretofore described, shall be restricted to seaplanes for use in landing.

(2) No vessel shall operate or anchor in the said area excepting those attendant upon seaplane operations.

(3) All other watercraft shall exercise due caution in navigating across the lake in the waters to the north and to the south of the restricted area, as there may be danger from planes about to land.

§ 6.13-10 *Wrangell Narrows, Alaska; use, administration, and navigation.* (a) The term "Wrangell Narrows" includes the entire body of water shown on the U. S. Coast and Geodetic Survey Chart No. 8170 lying between Bell Buoy 46 and Midway Rock Light.

(b) *Tow channel.* (1) The following route will be taken by all tows passing through Wrangell Narrows when the towboat has a draft of 9 feet or less:

Northbound (read down).

Southbound (read up).

East of Battery Islets.

East of SITC and S3TC.

West of S2TC.

West of Spike Rock Light 3 FG.

West of S4TC.

East of S5TC.

East of S7TC.

West of Burnt Island.

West of S6TC.

West of S8TC.

East of South Ledge Beacon 9.

West of South Ledge East Side Light 8 FR.

West of S10TC.

East of North Ledge.

East of S9TC.

East of Colorado Reef West Light 15 FG.

West of Blind Slough Light 17 FG.

West of Woody Island Shoal Light 21A FG.

East of S11TC.

West of Vexation Rock Light 23 FG, in main ship channel.

West of Green Rocks.

East of all aids on North Flat whenever stage of tide permits.

West of Blunt Point Reef Light 34 FR.

East of Turn Point Lighted Buoy 36.

East of Turn Point Shoal Lighted Buoy 38

East of Petersburg Bar Lighted Buoy 40, proceeding to west side of channel and leaving Wrangell Narrows to westward of Prolewy Rock Lighted Buoy 43.

(2) For towboats drawing more than 9 feet, application will be made to the Captain of the Port, Seattle, Washington, for

authority to use the ship channel for each trip.

FRANK KNOX,

Secretary of the Navy.

Approved: March 11, 1943.

FRANKLIN D. ROOSEVELT
The White House.

[F. R. Doc. 43-3886; Filed, March 12, 1943;
11:44 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1875-FD]

SOUTHERN COAL CO., INC.

ORDER OF THE DIRECTOR

In the matter of the application of Southern Coal Company, Incorporated, for permission to receive sales agents' commissions and distributors' discounts on coal sold by it to Bannon Coal and Ice Company.

Upon the basis of the Findings of Fact and Conclusions of Law set forth in the opinion of the Director filed simultaneously herewith, wherein it appears that the affiliation or relationship which presently exists between petitioner, Southern Coal Company, Incorporated, a registered distributor (Registration No. 8561), and the Bannon Coal and Ice Company of Memphis, Tennessee, does not prohibit the allowance of distributors' discounts or sales agents' commissions which petitioner is entitled to accept or retain on coal sold by petitioner to Bannon Coal and Ice Company; and pursuant to § 317.10 (c) (*Miscellaneous provisions*) of the Rules and Regulations for the Registration of Distributors, § 318.2 (j) (*Sales agents*) of the Marketing Rules and Regulations and the provisions of the Bituminous Coal Act of 1937;

It is hereby determined that the acceptance or retention of distributors' discounts or sales agents' commissions on coal sold by petitioner, Southern Coal Company, Incorporated to Bannon Coal and Ice Company, otherwise permitted by the Bituminous Coal Act of 1937 and the Rules and Regulations issued thereunder, are not prohibited by § 317.10 (c) (*Miscellaneous provisions*) of the Rules and Regulations for the Registration of Distributors, § 318.2 (j) (*Sales agents*) of the Marketing Rules and Regulations, and that the relief prayed in the petition, as amended, should be granted.

It is so ordered.

Dated: March 11, 1943.

[SEAL]

DAN H. WHEELER,

Director.

[F. R. Doc. 43-3860; Filed, March 12, 1943;
11:03 a. m.]

Bureau of Mines.

UNIVERSAL POWDER COMPANY, INC.

PROCEEDING FOR REVOCATION OF LICENSE

Universal Powder Company, Inc.,
Dexter Horton Building, Seattle, Wash-

ington. Director's order adjudging violations and imposing conditions for suspension of revocation.

Proceedings for revocation of licenses issued under the Federal Explosives Act of December 26, 1941 (55 Stat. 863) to Universal Powder Company, Inc., were begun on November 3, 1942, by the filing of a specification of charges setting forth violations of the act and the regulations thereunder by Universal Powder Company, Inc. The licensee denied the charges in an answer dated November 17 and demanded a hearing in Seattle, Washington. The hearing was held on December 7, 8 and 9, 1942, before a hearing officer duly designated by me, at which hearing the licensee, with its counsel, was heard, and evidence was adduced bearing upon the charges.

The report of the hearing officer was forwarded to the Director of the Bureau of Mines and to the licensee on January 14, 1943, and received by the licensee on January 18. Upon the basis of the entire record in the hearing, including the testimony heard and the exhibits submitted, and upon observation of the witnesses, the hearing officer found that the licensee had sold explosives to persons not licensed under the Federal Explosives Act, that the licensee had not kept full, detailed and accurate records of its transactions in explosives, and that the licensee had failed and refused to furnish to an authorized representative of the Director of the Bureau of Mines information concerning its business relating to explosives. The hearing officer concluded that the licensee had violated the Federal Explosives Act and the regulations thereunder and recommended that licenses issued to Universal Powder Company, Inc., under the Federal Explosives Act be revoked.

Universal Powder Company, Inc., through its attorneys, excepted to the hearing officer's report, submitted a brief in support of its exceptions, and by letter dated February 4, 1943, requested an oral hearing before the Director of the Bureau of Mines. This request was withdrawn by a letter dated February 16, 1943.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act and section 301.22 of the regulations issued pursuant thereto (7 F.R. 5901), I, R. R. Sayers, Director of the Bureau of Mines, having personally read and carefully considered the transcript of the testimony at the hearing, the hearing officer's report, and the licensee's exceptions and brief, and having ascertained thereby that the licensee's exceptions are without merit and are not supported by the evidence, that the licensee has sold explosives to persons not licensed under the Federal Explosives Act, that the licensee has not kept full, detailed and accurate records of its transactions in explosives, and that the licensee failed and refused to furnish to one of my authorized representatives information concerning its business relating to explosives, and having concluded that the licensee violated the Federal Explosives Act and the regulations thereunder as more fully described in a memorandum

opinion of this date, and having considered that no further hearing is necessary for the presentation or decision of any of the issues in this case,

ORDER

That the licensee's exceptions to the hearing officer's findings, conclusions and recommendations be and they are hereby overruled;

That the licensee is found to have violated the Federal Explosives Act and regulations duly issued pursuant thereto;

That pursuant to sections 5 and 10 of the Federal Explosives Act and § 301.14 (d) of the regulations thereunder, the licensee shall, on or before the 10th day of each and every month beginning with the 10th day of April, 1943, and continuing thereafter until the termination of the war or until otherwise ordered by me, furnish to me a sworn copy of its records of transactions in explosives and ingredients for the preceding month, prepared in accordance with the requirements of § 301.14 (d) of the regulations, as amended February 1, 1943 (8 F.R. 1343);

That the entry of an order revoking its license will be suspended as long as the licensee (1) continues to furnish me with sworn copies of its records as required by this order, (2) scrupulously obeys the Federal Explosives Act and the regulations issued pursuant thereto in all respects, and (3) does not sell explosives through a salesman, sales agent or broker who, to the knowledge of the licensee, has since March 16, 1942 sold or caused to be sold or has participated in the sale of explosives to a person not licensed under the Federal Explosives Act.

Dated: March 5th, 1943.

R. R. SAYERS,
Director, Bureau of Mines.

[F. R. Doc. 43-3889; Filed, March 12, 1943;
11:50 a. m.]

General Land Office.

[Public Land Order 94]

IDAHO

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, 48 Stat. 1269 (U.S.C., title 43, sec. 315), *It is ordered*, As follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

BOISE MERIDIAN

T. 10 S., R. 27 E.,
Secs. 2, 3, 10, and 11.
T. 4 S., R. 30 E.,
Secs. 26, 34, 35, and 36.
T. 5 S., R. 30 E.,
Secs. 1 to 4, inclusive, secs. 8 to 11, inclusive, secs. 15 to 21, inclusive, and sec. 29.

No. 51—7

The areas described, including both public and non-public lands, aggregate 15,421.88 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal of public lands containing vanadium deposits for use in connection with the prosecution of the war, made by Public Land Order No. 35, of August 27, 1942, so far as such order affects any of the above-described lands.

The orders of November 3, 1936, of the Secretary of the Interior, establishing Idaho Grazing Districts Nos. 2 and 3, are hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

ABE FORTAS,

Acting Secretary of the Interior.

MARCH 5, 1943.

[F. R. Doc. 43-3880; Filed, March 12, 1943;
11:24 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF AMENDMENT

In the matter of amendment of the certificates applying to the employment of learners under section 14 of the Fair Labor Standards Act in the Hosiery Industry, Women's Apparel Industry, Single Pants, Shirts and Allied Garments Industry, Textile Industry, Knitted and Men's Woven Underwear and Commercial Knitting Industry, Knitted Outerwear Industry, Gloves and Mittens Industry, and the Sportswear and Other Odd Outerwear and the Belts Divisions of the Apparel Industry.

Notice is hereby given that effective March 22, 1943, all special certificates heretofore issued pursuant to regulations and determinations governing the employment of learners at subminimum wage rates in the Hosiery Industry, Women's Apparel Industry, Single Pants, Shirts and Allied Garments Industry, Textile Industry, Knitted and Men's Woven Underwear and Commercial Knitting Industry, Knitted Outerwear Industry, Gloves and Mittens Industry, and the Sportswear and Other Odd Outerwear and the Belts Divisions of the Apparel Industry, are hereby amended to provide for the employment of learners in accordance with the terms of Administrative Order No. 181 (*supra*), effective March 22, 1943. On and after March 22, 1943, all learners employed under such special certificates shall be paid wages at a rate not less than 35 cents per hour. In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupations are paid and earnings of learners shall be based on those piece rates if in excess of the

subminimum rates of pay established for learners.

Each holder of a certificate in these industries will be sent a copy of the amended terms of the certificate. Any holder who has not received the amendment by March 22, 1943 should apply to the Exemptions Branch, Wage and Hour Division, New York, New York, for his copy.

Signed at New York, New York, this 10th day of March 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-3856; Filed, March 12, 1943;
9:32 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6304]

AMERICAN BROADCASTING CORPORATION OF KENTUCKY (WLAP)

ORDER DENYING PETITION

In re application of American Broadcasting Corporation of Kentucky (WLAP), Lexington, Kentucky, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of March, 1943;

The Commission having under consideration the petition of American Broadcasting Corporation of Kentucky, filed July 27, 1942, requesting the Commission to grant the above-entitled application insofar as it requests a change in frequency from 1450 to 630 kc., and being fully informed in the premises;

It is ordered, That the said petition be, and it is hereby, denied; and

It is further ordered, That the issues specified in the Commission's Order of July 14, 1942, be, and they are hereby, superseded by the following issues to be determined at the hearing upon the above-entitled application:

1. To determine whether the granting of the above-entitled application, either in its complete form or only insofar as it requests a change in frequency, would be consistent with the Commission's policy announced by its Memorandum Opinion of April 27, 1942, as modified on September 22, 1942.

2. To determine the areas and populations which would gain primary service from WLAP operating on 630 kc either with 1 kw power as proposed, or with 250 watts power with the station's present antenna, as suggested by the above-described petition, and what other broadcast service is available to these areas and populations.

3. To determine the extent of any electrical interference which would result from the simultaneous proposed operation of WLAP on 630 kc, with 1 kw power, using a directional antenna, with Stations WMAL (Washington, D. C.), KXOK (St. Louis, Missouri), WHKC (Columbus, Ohio), and CFCO (Chatham, Ontario, Canada), and the extent of any interference which would result from the si-

multaneous suggested 250 watt power operation of WLAP on this frequency with these stations, excepting WHKC.

4. To determine the areas and populations which may be expected to lose primary service from stations WMAL, KXOK, and WHKC should WLAP operate with 1 kw power as proposed, and the areas and populations which would lose service from these stations, excepting WHKC, should WLAP operate with its present facilities on 630 kc, and what other broadcast service is available to these areas and populations.

5. To determine whether the existing radiating system of WLAP would comply with the Commission's Standards of Good Engineering Practice for the suggested 250 watt power operation on 630 kc, particularly with reference to the length of the radials.

6. To determine whether the suggested operation of WLAP with 250 watts power on 630 kc involves engineering conflict with the applications of Stations WCKY (B2-P-3227) and WKRC (B2-P-3390), which were pending since February 22, 1942.

7. To determine whether the granting of the application with authority to operate on 630 kc with 250 watts power, using the present WLAP antenna, would be consistent with the Standards of Good Engineering Practice and proper allocation of broadcast facilities (See Footnote 4, Page 3, Standards of Good Engineering Practice).

8. To determine whether the granting of the above-entitled application either in its complete form, or with authority to operate on 630 kc with 250 watts power using the station's present antenna would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, or necessity would be served by the granting of the application either in its complete form or only insofar as it requests a change in frequency.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-3861; Filed, March 12, 1943;
11:12 a. m.]

[Docket No. 6488]

ALLEGHENY BROADCASTING CORP. (WJRM)

NOTICE OF HEARING

In re application of Allegheny Broadcasting Corporation, (WJRM), dated December 17, 1942, for modification of Construction Permit; class of service, broadcast; class of station, broadcast; location, Elkins, West Virginia; Operating assignment specified: Frequency, 1240 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons.

1. To determine the cost of completing the construction authorized in Permit No. B2-P-3328 and the financial outlay, if any, incurred in connection therewith by the applicant, prior to April 27, 1942.

2. To determine when the construction heretofore authorized in Permit No. B2-P-3328 was actually commenced.

3. To determine what materials and equipment the applicant has on hand or available for the construction authorized by Permit No. B2-P-3328 and the additional materials and equipment, if any, necessary for the completion thereof.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

5. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of §1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of §1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Allegheny Broadcasting Corporation, Radio Station WJRM, c/o Jas. A. Wilverding, 422 Randolph Avenue, Elkins, West Virginia.

Dated at Washington, D. C., March 9, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-3862; Filed, March 12, 1943;
11:12 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-443]

SOUTHERN UNITED GAS COMPANY

ORDER FIXING DATE OF HEARING

MARCH 11, 1943.

Upon application filed February 3, 1943, by Southern United Gas Company, a Delaware corporation having its principal place of business in Fort Smith, Arkansas, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing its acquisition and operation of the properties of its wholly-owned subsidiaries, Twin City Pipe Line Company, Arkansas-Oklahoma Gas Company, Western Oklahoma Gas Company, Southwestern States Gas Company, Indus-

trial Oil and Gas Company, and Ozark Natural Gas Company; The Commission Orders, That:

(A) A public hearing in this proceeding be held commencing on April 7, 1943, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.;

(B) Interested state commissions may participate in this hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-3854; Filed, March 12, 1943;
9:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under MPR 251]

DEFENSE PLANT CORPORATION

CLASSIFICATION OF SPECIFIED CONTRACTS

Order 1 under § 1397.53 (f) of Maximum Price Regulation 251—Construction and Maintenance Services and Sales of Building and Industrial Equipment and Materials on an Installed or Erected Basis.

An opinion accompanying Order No. 1 under § 1397.53 (f) of Maximum Price Regulation 251 has been issued simultaneously herewith and filed with the Division of the Federal Register.

(a) *Classification of specified contracts of the Defense Plant Corporation.* The plan filed by the Defense Plant Corporation with the Office of Price Administration on January 29, 1943, for the negotiation of cost-plus-a-fixed-fee prime contracts to which it is a party, and cost-plus-a-fixed-fee subcontracts under such prime contracts, is hereby accepted by the Office of Price Administration as a proper filing under § 1397.53 (f) of Maximum Price Regulation 251.

(b) On and after October 30, 1942, neither Maximum Price Regulation 251 nor any other maximum price regulation shall apply to the sale or supply of any construction service or any building or industrial equipment or materials on an installed or erected basis pursuant to any cost-plus-a-fixed-fee prime contract with the Defense Plant Corporation, or any cost-plus-a-fixed-fee subcontract under such prime contracts: *Provided*, That the Defense Plant Corporation certifies to the Office of Price Administration, Washington, D. C., and to the contractor or subcontractor that the contract or subcontract has been negotiated in accordance with the plan accepted by this Order No. 1.

(c) On and after October 30, 1942, neither Maximum Price Regulation 251 nor any other maximum price regulation shall apply to the sale or supply of any construction service or any building or industrial equipment or materials on an installed or erected basis pursuant to a prime contract or subcontract thereunder with the Defense Plant Corporation which has been or will be performed on

the basis of cost only, with no margin of profit in addition to cost.

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time by reason of any change in the plan filed by the Defense Plant Corporation, described in paragraph (a) of this order, which, in the judgment of the Price Administrator, affects the control exercised by that agency over sales and services which, except for the exclusion now provided, would be subject to Maximum Price Regulation 251.

This Order No. 1 shall become effective March 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3841; Filed, March 11, 1943;
12:23 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-399]

UTILITY SERVICE COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of March A. D. 1943.

Notice is hereby given that a declaration or application (or both) was filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Utility Service Company, a registered holding company, on September 9, 1941 which was the subject of a "Notice Regarding Filing, Subject to Rule U-23" dated September 11, 1941, that thereafter the aforesaid company requested that the Commission indefinitely postpone action on said declaration or application; and that an amendment to said declaration or application was filed on February 17, 1943 with a request that an order be issued thereon. All interested persons are referred to said declaration or application and amendment thereto, which are on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Utility Service Company, a wholly owned subsidiary of Manufacturers Trust Company, proposes to:

- (1) Accept from its parent, for cancellation and retirement, its demand notes in the principal amount of \$1,218,000 which notes will be surrendered as a capital contribution;
- (2) Convey to its parent all of its assets remaining after the payment of or provision for the payment of all of its liabilities;
- (3) To acquire and retire all of its outstanding shares of capital stock; and
- (4) To dissolve.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application

(or both), and that said declaration or application (or both) shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the Act and the rules of the Commission thereunder be held on March 24, 1943 at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application (or both), particular attention will be directed to the following matters:

1. Whether the action proposed to be taken will be detrimental to the public interest or the interest of investors.

2. What terms and conditions, if any, are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before March 20th, 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Utility Service Company by registered mail; and that notice of said hearing be given to all persons by publication of this order in the Federal Register.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-3833; Filed, March 11, 1943;
12:01 p. m.]

[File Nos. 59-34, 59-56]

NEW ENGLAND GAS AND ELECTRIC ASSN.,
ET AL.

ORDER DENYING MOTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of March, 1943.

In the matter of New England Gas and Electric Association, Paul Smith, Alexander Speer, and Frederick W. Bartow, as trustees of Gas and Electric Associates, Francis G. Goodale, as trustee of Utilities Investing Trust, Denis J. Dris-

coll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation and Stanley Clarke, as trustee of Associated Gas and Electric Company—File No. 59-34.

In the matter of New England Gas and Electric Association—File No. 59-56.

A motion having been made to vacate, in part, the order of the Commission of February 17, 1943 in these proceedings, among other things naming certain persons as additional parties to the proceeding and setting for hearing questions as to the validity and rank of certain claims against New England Gas and Electric Association, briefs having been filed, the Commission having heard oral argument and being advised in the premises, and having this day issued an opinion herein;

It is ordered, On the basis of the said opinion and for the reasons noted therein, that the said motions be, and the same hereby are, denied; and

It is further ordered, That the hearings heretofore convened with respect to the rank and validity of the said claims by the aforesaid order of February 17, 1943 be, and the same hereby are, continued until April 5, 1943, on which day they shall be resumed at 10:30 a. m., before the same trial examiner, and at the same place as heretofore designated in the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-3834; Filed, March 11, 1943;
12:00 p. m.]

[File No. 70-682]

ASSOCIATED ELECTRIC CO. AND PANHANDLE
PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of March 1943.

Notice is hereby given that an application and declaration has been jointly filed by Associated Electric Company, a registered holding company, and its wholly owned subsidiary, Panhandle Public Service Company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed which are summarized below:

Panhandle Public Service Company proposes to sell to Northwestern Electric Cooperative, Inc., a non-affiliate, all its physical properties and certain other assets for a base cash consideration of \$175,000. Panhandle Public Service Company will then deposit the sum of \$174,801.25 with the Pennsylvania Company for Insurances on Lives and Granting Annuities, trustee under the mortgage securing its First Mortgage Bonds, Series A, 6%, due December 1, 1945, in full satisfaction of principal and call premium on the total amount of such bonds outstanding. Associated Electric Company, which presently owns \$173,500 principal amount of Panhandle

bonds, will then tender all of said bonds to the said trustee, receiving the sum of \$174,801.25 in full payment thereof. Panhandle Public Service Company will then dissolve and transfer its remaining assets (subject to existing liabilities) to Associated Electric Company, which will surrender to Panhandle Public Service Company all the stock of, and claims against, that company. In connection with such dissolution, Panhandle Public Service Company will transfer to Associated Electric Company 50 shares of the capital stock of Atlantic Utility Service Corporation.

The said application-declaration contains a request that the Commission enter an order reciting in substance that the conveyance of the properties which are being sold by Panhandle Public Service Company is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on March 24, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Paul Littlefield, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before March 22, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the consideration to be received from the sale of the properties and assets of Panhandle Public Service Company is fair and reasonable;

2. Whether the proposed acquisition by Associated Electric Company of the capital stock of Atlantic Utility Service Corporation complies with the provisions of sections 9 and 10 of the Act, and specifically whether it will serve the public interest by tending toward the economical and efficient development of an integrated public-utility system;

3. The propriety of the proposed accounting treatment of each phase of the

proposed transactions on the books of the applicants-declarants;

4. Whether the action proposed to be taken is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

5. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors;

6. Whether the action proposed to be taken complies with all the provisions and requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder, and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-3835; Filed, March 11, 1943;
12:00 p. m.]

[File No. 70-683]

ASSOCIATED ELECTRIC CO. AND MISSOURI
SOUTHERN PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of March 1943.

Notice is hereby given that joint applications-declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Associated Electric Company, a registered holding company, and its wholly owned subsidiary, Missouri Southern Public Service Company.

All interested persons are referred to said joint applications-declarations, which are on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

Missouri Southern Public Service Company, a public utility operating in Missouri, proposes to sell all its physical properties (located in the counties of Barry, McDonald and Newton, Missouri) and certain other assets to New-Mac Electric Cooperative, Inc. (a cooperative corporation incorporated in the State of Missouri) for a base cash consideration of \$170,000. Upon the sale of such assets, it is proposed that Missouri Southern Public Service Company transfer its then remaining assets, subject to its liabilities, to Associated Electric Company, which will then surrender all its holdings of stock of and its claims against Missouri Southern Public Service Company. Missouri Southern Public Service Company will then be dissolved. In connection with such acquisition, Associated Electric Company will acquire from Missouri Southern Public Service Company 40 shares of the common stock of Atlantic Utility Service Corporation, the stock of which is held by various companies in the Associated Gas and Electric Company holding company system.

The said joint applications-declarations state that the proposed transac-

tions are necessary to enable Associated Electric Company to comply with the provisions of section 11 (b) (1) of the said Act. It is further stated that The Public Service Commission of the State of Missouri has jurisdiction over the proposed sale by Missouri Southern Public Service Company of its utility assets; and

It appearing that sections 9 (a) (1), 10, 11 (b), 12 (c), 12 (d), and 12 (f) of the Act, and Rules U-42, U-43, and U-44 promulgated thereunder, are applicable to the proposed transactions; and

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter and that said applications-declarations shall not be granted or become effective except pursuant to further order of this Commission;

It is hereby ordered, That a hearing on such matters, under the applicable provisions of the said Act and the rules of the Commission thereunder be held on March 24, 1943 at 11:00 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

At such hearing cause shall be shown why such joint applications-declarations shall be granted or become effective. Notice is hereby given of said hearing to the above-named applicants declarants and to all interested persons.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before March 22, 1943, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Paul Littlefield, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declarations, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed transactions are appropriate and in the public interest and the interest of investors and consumers;

(2) Whether the proposed transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Act;

(3) Whether the proposed sale price is adequate;

(4) The propriety of the proposed accounting treatment of the transactions on the books of the applicants-declarants;

(5) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors and consumers;

(6) Whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder, and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-3836; Filed, March 11, 1943;
12:00 p. m.]

[File No. 70-475]

ELECTRIC BOND AND SHARE COMPANY

NOTICE OF FILING OF AMENDMENT NO. 2 AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of March, A. D., 1943.

Notice is hereby given that an amendment to a declaration has been filed with this Commission by Electric Bond and Share Company ("Bond and Share"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

On December 30, 1941 Bond and Share filed a declaration under which it proposed to expend \$5,000,000 for the purchase of its preferred stock on the New York Curb Exchange. On February 20, 1942 the Commission issued its Findings, Opinion and Order permitting said declaration to become effective in part, to the extent of the use of \$2,000,000 for the proposed purpose, and reserving jurisdiction to the Commission with respect to the remaining \$3,000,000 pending formulation by the company of a plan or plans for distribution of assets by exchange or otherwise.

Bond and Share on September 1, 1942 filed an application under section 11 (e) for the exchange of cash and common stock of American Gas and Electric Company, a registered holding company and a subsidiary of Bond and Share, for the outstanding preferred stock of Bond and Share, which said application, however, did not set forth the basis of the proposed exchange, stating that the terms thereof would be submitted by amendment to the said application.

The present amendment states that Bond and Share has found the exchange plan described in the preceding paragraph to be impracticable and has been unable to formulate any alternative plan for distribution of assets by exchange or otherwise. It therefore proposes that Bond and Share be authorized to use the \$3,000,000 in cash with respect to which the Commission reserved jurisdiction in its Order of February 20, 1942, together with additional cash in the amount of \$12,000,000, or a total of \$15,000,000 from its treasury; for the purpose of acquiring

its preferred stock by purchase in the open market over a period not to exceed nine (9) months from the date the amendment is permitted to become effective by the Commission. The amendment states that the shares acquired under this program will not be reoffered for sale.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors that a hearing be held with respect to such matters, that said amendment shall not become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on March 29, 1943, at 10:00 a. m., e. w. t., in such room in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, as the hearing room clerk in Room 318 will at that time advise. At such hearing, cause shall be shown why such amendment shall become effective. Notice is hereby given of said hearing to Electric Bond and Share Company and to all interested persons, said notice to be given to declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any persons who desire to be heard in connection with the said proceeding, or propose to intervene herein, shall file with the Secretary of the Commission on or before March 22, 1943, their requests or applications therefor as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said amendment otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed reacquisition by Bond and Share of shares of its outstanding preferred stock is in the public interest and the interest of investors.

2. Whether the method proposed by Bond and Share for the reacquisitions of said shares is appropriate and in the public interest and the interest of investors.

3. Whether the proposed reacquisition is in conformity with the standards of section 12 (c) and, particularly, whether it is detrimental to the carrying out of the provisions of section 11 of the Act or tends to circumvent any provisions of the Act, or any rules, regulations or orders of the Commission.

4. Whether it is necessary or appropriate to impose any terms or conditions in

the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-3831; Filed, March 11, 1943;
12:01 p. m.]

[File Nos. 54-67, 59-64]

PEOPLES LIGHT AND POWER CO., ETC., ET AL. NOTICE OF FILING AND ORDER FOR HEARING, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of March 1943.

In the matter of Peoples Light and Power Company and subsidiary companies, applicants, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Company, Texas Public Service Farm Company, West Coast Power Company, Western States Utilities Company, respondents, File No. 59-64.

Notice of filing and order for hearing on a plan filed pursuant to section 11 (e); notice of and order for hearing pursuant to sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 and order consolidating proceedings.

Notice is hereby given that Peoples Light and Power Company ("Peoples"), a registered holding company, has filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a Plan for the purpose of enabling the company and its subsidiaries to comply with the provisions of sections 11 (b) (1) and 11 (b) (2) of said Act. All interested persons are referred to said Plan which is on file at the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

(1) Peoples proposes to simplify the corporate structure of its holding company system and to redistribute the voting rights of its stockholders so that the interests of Peoples' three classes of stockholders in its system will be as follows: Cumulative Convertible Preferred Stock 95%, Class A Common Stock 2.1% and Class B Common Stock 2.9%. It is proposed that these three classes of stock be exchanged for interests in one class of stock (hereinafter referred to as "new stock") in one or more of the following ways:

(a) Through a reclassification of the capitalization of Peoples into a single class of stock, such stock to be issued in exchange for the present capital stocks of Peoples.

(b) The organization of a successor corporation which will have one class of stock outstanding and will issue such stock in exchange for the existing capital stocks of Peoples.

(c) The merger of Peoples into West Coast Power Company, one of its subsidiary companies, which presently has outstanding a single class of capital

stock. Such merged company will increase its authorized and issued capital stock to an appropriate number of shares and will distribute such shares in exchange for the existing capital stocks of Peoples.

(2) It is further proposed that Peoples will cause the distribution of its assets to its stockholders either separately or as a part of any of the foregoing steps set forth in (a), (b) and (c) above.

(3) The proposed new stock, if issued by Peoples, a successor company, or the merged company, will have full voting rights and will be without par value. It is proposed that 291,909 shares of such stock be issued with a stated value of \$3,648,862.50, equivalent to \$12.50 per share.

(4) Holders of the present preferred stock of Peoples will receive $3\frac{1}{2}$ shares of new stock for each share, or a total of 95% of such new stock. Holders of the present Class A and Class B Common Stocks will receive $\frac{1}{10}$ of a share of new stock for each share of such common stock. Through the proposed exchanges, holders of Class A and Class B Common Stocks will receive 2.1% and 2.9%, respectively, of the issued amount of new stock. In lieu of fractional shares, Scrip will be issued, which, in combination with other Scrip, will be exchangeable into full shares. Scrip not so exchanged within two years will become void.

(5) In the event that Peoples distributes its assets directly to its stockholders, as described in subparagraph (2), such distribution will be made on the basis of 95% to holders of the present preferred stock, 2.1% to holders of the Class A Common Stock and 2.9% to the holders of the present Class B Common Stock.

(6) Holders of the presently issued Purchase Warrants of Peoples will not participate in the Plan and their present rights will be extinguished.

(7) West Coast Power Company will sell its electric properties in Oregon to two Public Utility Districts for a total consideration of approximately \$885,000 in cash. Such properties are presently under contracts of sale, subject to the ability of the respective Districts to sell revenue bonds to finance the purchases. West Coast Power Company will use part of the proceeds of such sales to retire 108,000 principal amount of its First Mortgage Bonds, and will distribute \$754,400 in cash to Peoples as a partial liquidating dividend unless Peoples and West Coast Power Company are previously merged.

(8) When and if the transactions described in subparagraph (7) have been completed, Peoples (or the merged company) will invest \$1,000,000 cash in additional shares of the capital stock of Texas Public Service Company, one of its subsidiary companies. The latter company will use such funds either to retire a portion of its own bonds or to acquire other gas utility properties in Texas.

If the Commission approves the proposed Plan, Peoples proposes, to the extent deemed necessary, to solicit its stockholders for proxies approving the

Plan and authorizing its consummation. In such event, Peoples will request that the Commission issue a report on the Plan in order that such report may be submitted to stockholders. Peoples further proposes to request that the Commission apply to a Federal Court pursuant to the provisions of sections 11 (e) and 18 (f) of the Act to enforce and carry out the terms and provisions of the Plan.

In connection with the above described Plan, Peoples proposes to use its best efforts to dispose of its investments in the capital stocks of its utility subsidiaries or to cause such subsidiaries to dispose of their properties and assets. Peoples also has under consideration the sale by Texas Public Service Company of its irrigation and water properties at Beaumont, Texas, and in connection with any such sale it will also undertake to sell its investment in Texas Public Service Farm Company. Efforts will also be made to sell the electric, water and ice properties of Texas Public Service Company at La Grange, Texas.

Name of company	State of incorporation	Kind of business
Peoples Light and Power Co.	Delaware	Holding company.
California Public Service Co.	California	Electric and water utility.
Texas Public Service Co.	Texas	Gas, electric and water utility, irrigation, manufacture and sale of ice
Texas Public Service Farm Co.	Texas	Rice farming.
West Coast Power Co.	Delaware	Electric and water utility.
Western States Utilities Co.	Delaware	Electric and water utility.

(3) Electric service is rendered by four of the above subsidiary companies in the States of California, Oregon, Idaho, Nevada, Wyoming and Texas; one of the subsidiary companies, namely, Texas Public Service Company, is engaged in the retail distribution of natural gas in addition to its electric and other businesses, all of which businesses are conducted in Texas.

(4) No interconnections exist between the electric properties of any two or more subsidiary companies.

(5) Each of the subsidiary companies is engaged in one or more businesses other than those of an electric or gas utility company; the business of one subsidiary, Texas Public Service Farm Company, is entirely non-utility.

(6) The presently outstanding securities of Peoples were issued pursuant to a Reorganization Plan dated June 1, 1936. Such securities (including minor amounts still issuable under that plan) are as follows:

	Amount
Cumulative Convertible Preferred Stock, \$3 Dividend, \$25 par value, 83,201 shares, at liquidating preference of \$50 per share	\$4,160,050
Class A Common Stock, 62,520 shares, \$1 par value	62,520
Class B Common Stock, 83,201 shares, \$1 par value	83,201
Warrants—entitling holders to purchase 108,376 $\frac{1}{2}$ shares of Class B Common Stock at \$20 per share until December 31, 1945	

¹Dividends on the preferred stock were in arrears on January 1, 1943 in the amount of \$1,692,984 or \$20.35 per share.

II

The Commission having examined the corporate structure of Peoples and its subsidiary companies, the relationships among the companies in the holding-company system of Peoples, the character of the interests thereof and the properties owned or controlled thereby, and having examined the files and records of the Commission relating thereto, and said examination having disclosed data establishing or tending to establish the following:

(1) Peoples is a registered holding company incorporated under the laws of Delaware, having its principal executive office in Jersey City, New Jersey.

(2) Peoples presently controls five subsidiary companies through ownership of all their voting securities. The names of all companies included in Peoples' holding company system, together with the states in which such companies are incorporated and the businesses in which such companies are engaged, are as follows:

(7) The preferred stock has no voting rights as to the election of directors; all such voting rights are vested in the Class A and Class B Common Stocks.

III

It being the duty of the Commission, pursuant to section 11 (b) (1) of the Act, to require, by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding company system, of which said company is a part, to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such an integrated public utility system and to such additional integrated public utility system or systems as the Commission finds to be permissible under the standards of subsections (A), (B) and (C) of section 11 (b) (1); and

It further being the duty of the Commission, pursuant to section 11 (b) (2) of said Act, to require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding company system does not unduly or unnecessarily complicate the corporate structure, or unfairly or inequitably distribute voting power among security holders of such holding-company system; and

The Commission being required by the provisions of section 11 (e) of said Act, before approving any plan thereunder, to

find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan; and

It tentatively appearing to the Commission that the holding company system of Peoples is not confined in its operations to those of a single integrated public utility system within the meaning of the Act, or to those of a single integrated public utility system, together with such additional systems and other businesses as can be retained under the standards of section 11 (b) (1); and

It tentatively appearing to the Commission that the corporate structure of Peoples' holding company system is unduly and unnecessarily complicated and that voting power is unfairly and inequitably distributed among the security holders thereof; and

It therefore appearing appropriate to the Commission that notice be given and a hearing held for the purpose of determining what action should be ordered under sections 11 (b) (1) and 11 (b) (2), and with respect to the proposed Plan filed under section 11 (e) of the Act; and it further appearing that these matters involve common questions of law and fact and should be heard together;

It is hereby ordered, That proceedings under sections 11 (b) (1) and 11 (b) (2) of the Act be instituted and consolidated with the proceedings relating to the Plan filed under section 11 (e), and that a hearing on such matters under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 1st day of April 1943 at 10:00 o'clock a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, Without limiting the scope of the issues presented by the pending application or by the proceedings hereby instituted, that evidence having particular bearing on the following matters shall be adduced:

(1) Whether the transactions involved in the proposed Plan filed pursuant to section 11 (e) comply with all of the requirements of the applicable provisions of the Act and the Rules promulgated thereunder.

(2) Whether such proposed Plan is necessary to effectuate the provisions of section 11 (b) of the Act, whether such Plan is fair and equitable to the persons affected thereby, and whether such Plan should be approved.

(3) Whether, and to what extent, the investment account of Peoples and the property accounts of its subsidiaries, as stated on their respective books, include intangibles, write-ups or other inflationary items, and whether the property ac-

counts of any of the subsidiaries include property which is not used or useful, and, if so, whether, and the extent to which, approval of the Plan may require that such amounts or items be eliminated from the property or investment accounts of said companies; whether expenditures for maintenance and provisions for depreciation or retirements by the subsidiary companies are adequate and whether their present reserves for depreciation or retirements are sufficient and whether, and the extent to which, approval of the Plan may require readjustment of such charges or reserves.

(4) Whether the allegations contained in section II hereof are true and correct.

(5) What action is necessary to limit the operations of Peoples' holding company system to a single integrated public utility system and such additional systems or other businesses as are retainable under the standards of section 11 (b) (1) of the Act.

(6) Whether the corporate structure or continued existence of Peoples in the holding company system unduly or unnecessarily complicates the structure of such holding company system or distributes voting power unfairly or inequitably among security holders thereof and, if so, whether the corporate structure of Peoples in the holding company system should be revised, and whether Peoples should be eliminated from the system.

(7) What further orders, if any, should be entered pursuant to sections 11 (b) (1) and 11 (b) (2) of the Act, to require Peoples and its subsidiaries to take such steps as the Commission shall find necessary to comply with the provisions of said sections.

It is further ordered, That any person desiring to be heard in connection with these proceedings or to intervene therein shall, on or before the 30th day of March 1943, file with the Secretary of the Commission his written request or application, as required by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this Order to Peoples and its various subsidiaries, to the Public Utility Commissions of the States of Idaho, Nevada, Oregon, and Wyoming, and the Railroad Commissions of California and Texas, not less than 20 days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to Peoples and its subsidiaries, to their security holders, and to all consumers of Peoples' subsidiary companies, to all states, municipalities, and political subdivisions of States within which are located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over Peoples or its subsidiaries or any of the businesses, affairs or operations of any of them; that such notice shall be given

further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this Order in the FEDERAL REGISTER not later than ten days prior to the date hereinbefore fixed as the date of the hearing.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, the proceedings instituted by this Order under sections 11 (b) (1) and 11 (b) (2) of the Act and the application for approval of said Plan filed under section 11 (e).

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-3832; Filed, March 11, 1943;
12:01 p. m.]

[File No. 1-1737]

NEW PREMIER CONSOLIDATED MINES CO.

ORDER RECONVENING HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its offices in the City of Philadelphia, Pennsylvania, on the 11th day of March, A. D. 1943.

In the matter of New Premier Consolidated Mines Company, common stock \$1 par value, non-assessable.

The Commission having heretofore, on February 11, 1943, ordered that a hearing under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be held in this matter on February 26, 1943, at 10:00 a. m., Mountain War Time, at the Regional Office of the Commission in Denver, Colorado; and

Such hearing having been duly convened and thereafter adjourned to be reconvened at the offices of the Commission in Philadelphia, Pennsylvania, on a date to be determined by the Commission;

It is ordered, That such hearing be reconvened on March 30, 1943, at 10:00 a. m., Eastern War Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered, That in addition to the officer heretofore designated for the purpose of such proceeding, Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-3863; Filed, March 12, 1943;
11:12 a. m.]

